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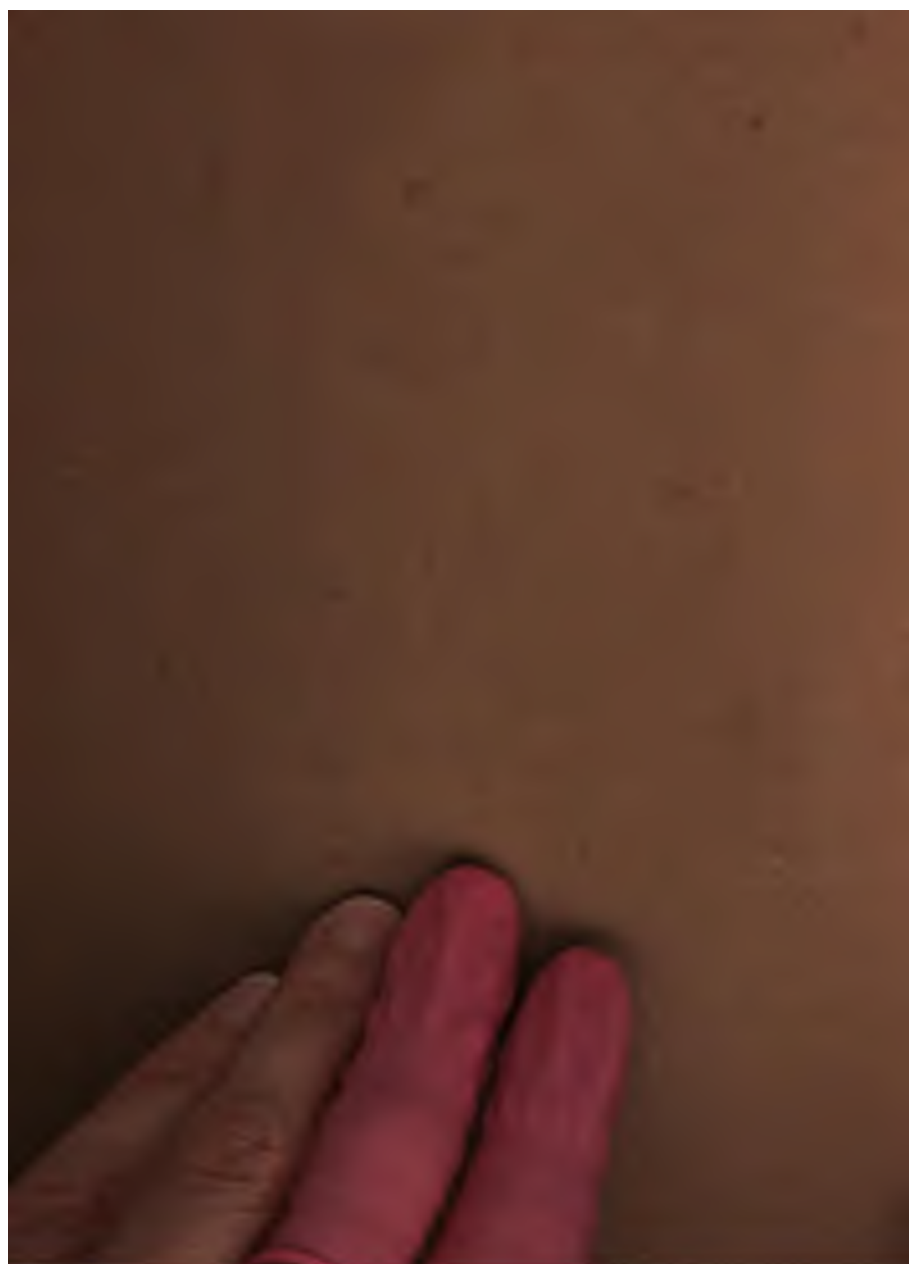


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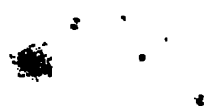
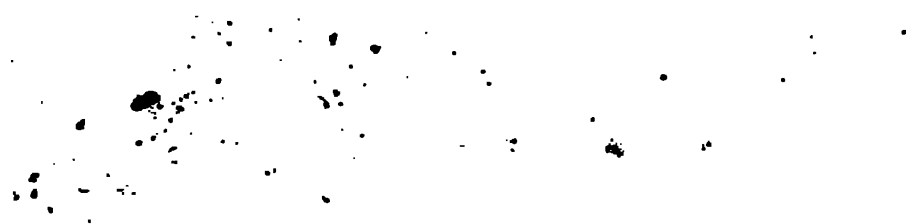












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# CONTENTS

OF

Nº XXXI.

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ARTICLE

Page

- I.—1. *An Index to the Tracts for the Times : with a Dissertation, etc.* By the Rev. D. CROLY. Oxford, Vincent : London, Hatchard. 8vo. 1842.
2. *The Church of the Fathers.* By the Rev. J. H. NEWMAN, B.D. Oxford, Parker : London, Rivington.
3. *A Letter to the Bishop of Oxford, etc.* By the Rev. J. H. NEWMAN, B.D.
4. *A Letter to the Rev. Dr. Jelf.* By the Rev. J. H. NEWMAN, B.D.
5. *A Reply to Mr. Newman's Letter to Dr. Jelf.* By AMBROSE PHILLIPPS, Esq.
6. *The Holy Eucharist a comfort to the Penitent.* A Sermon preached before the University of Oxford, by E. B. PUSEY, D.D., Regius Professor of Hebrew. Oxford, Parker : London, Rivington. 1843. . . . . 1

## ARTICLE

Page

- II.—1. *Der Isolirte Staat in Beziehung auf Landwirthschaft und National-Economie.* Von J. H. VON THÜNEN auf Tellow. 1842.
2. *Essay on the Distribution of Wealth and the Sources of Taxation.* By the Rev. RICHARD JONES, A.M. London, 1831.
3. *Six Letters to Sir Robert Peel on the dangerous tendency of the Ricardo Theory of Rent.* By a POLITICAL ECONOMIST. London, 1842. . 30

III.—*State of Historical Science in France.*

1. *Récits des Temps Mérovingiens. Précédés de Considérations sur l'Histoire de France.* Par AUGUSTIN THIERRY. 2<sup>ème</sup> Edition, 2 vols. Paris, 1842.
2. HEGEL: *Philosophie der Geschichte.* Herausgegeben von Dr. E. GANS. *Zweite Auflage.* Berlin, 1840.
3. VICO: *Scienza Nuova.* Traduction de MICHELET. Bruxelles, 1840.
4. *Œuvres Complètes de MICHELET.* Paris.
5. *Cours d'Histoire Moderne de M. GUIZOT.* Bruxelles, 1838. . . . . 72

- IV.—1. *Report of the Commissioners for inquiring into Bankruptcy and Insolvency.* Presented to both Houses of Parliament by command of Her Majesty, 1840.
2. *An Act for the Amendment of the Law of Bankruptcy.* 5 & 6 Vic., cap. 122. Royal Assent, 12th Aug. 1842.
3. *An Act for the Relief of Insolvent Debtors.* 5 & 6 Vic., cap. 116. Royal Assent, 12th Aug. 1842.
4. *Rules and Orders made in pursuance of the above Acts.* 12th Nov. 1842 . . . . . 119

V.—*The Kirk of Scotland.*

- A Temperate Remonstrance respectfully addressed to the Legislature in relation to the Scottish Church Question.* By JOHN HAMILTON, Esq. 8vo. Edinburgh, 1840. . . 175

VI.—1. *Parliamentary Papers:—Sinde.* 1838—1843.

2. *Personal Observations on Sindh, the Manners and Customs of its Inhabitants, and its productive capabilities: with a Narrative of the Recent Events.* By CAPTAIN POSTANS. London, 1843. Longman, Browne and Co. 198

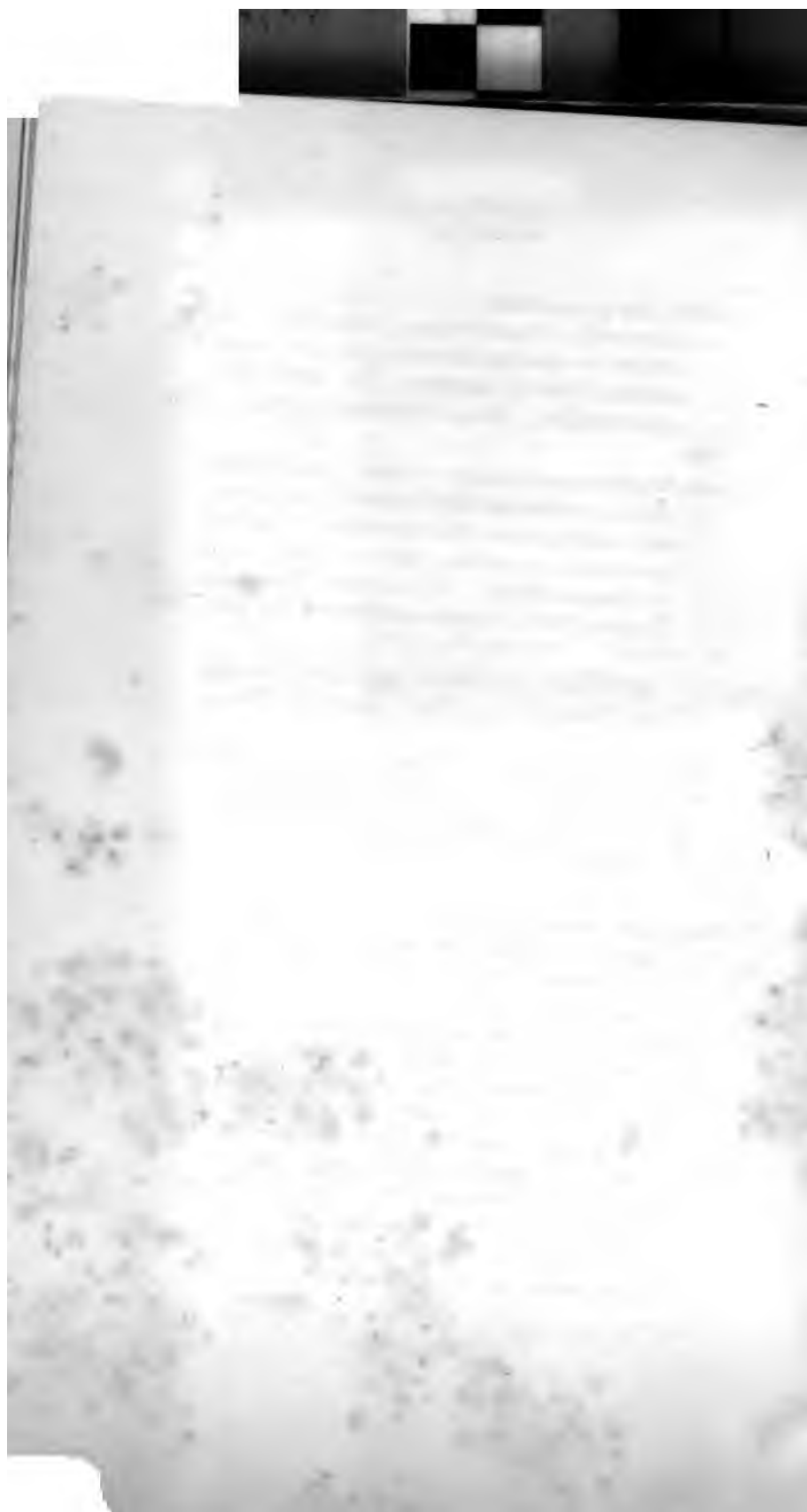
VII.—1. *Six Lectures on Heroes and Hero Worship.*

- By THOMAS CARLYLE. London: Fraser, 1841.  
 2. *Sartor Resartus: in Three Books.* By THOMAS CARLYLE. London: Fraser, 1841.  
 3. *Past and Present.* By THOMAS CARLYLE. London: Chapman and Hall, 1843 . . . 262

VIII.—1. *Die Serbische Revolution.* Von LEOPOLD RANKE. Hamburg, 1829.

2. *La Turquie d'Europe.* Par AMI BOUÉ. Paris, 4 vols. 8vo: 1840.  
 3. *Treaties and Hatti-Sheriffs relating to Servia, presented to the House of Commons by the Queen's command, May 1843.* London.  
 4. *Hansard's Debates in the House of Lords, 5th May and 28th July 1843. Debate in the House of Commons 15th August, 1843.*  
 5. *Servia, the Circassia of the West.* By DAVID URQUHART, Esq. London, 1843.  
 6. *The Portfolio, Nos. 1 and 2, August 1st and September 1st, 1843.* London . . . 294





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---

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---

**N° XXXII.**

# CONTENTS

OF

Nº XXXII.

ARTICLE	Page
I.— <i>Histoire des Idées Littéraires en France au XIX siècle, et de leurs origines dans les siècles antérieurs.</i> Par ALFRED MICHIELS. Paris, 1842. . . . .	327
II.— <i>Introductory Lectures on Modern History.</i> By T. ARNOLD, D.D., etc. Second edition. London: Fellowes, 1842. . . . .	363
III.— <i>Works printed for the Members of the Musical Antiquarian Society.</i> London: Chappell, 1841-1843. . . . .	397
IV.—1. <i>The Progress of the Nation in its various Social and Economical relations, etc.</i> By G. R. PORTER, Esq., F.R.S. Section V. to VIII. London, 1843.	
2. <i>Statistische Uebersicht der wichtigsten Gegenstände des Verkehrs und Verbrauchs im Preussischen Staate von 1837-1839: dargestellt von Dr. C. F. W. DIETERICI.</i> Berlin, 1842.	

## ARTICLE

## Page

3. *Statistique Commerciale de la France.* Paris, 1842.
4. *Statistique Commerciale du royaume de Belgique.* Bruxelles, 1842.
5. *Allgemeine vergleichende Handels-und Gewerbs-Geographie und Statistik.* VON FREIHERRN VON REDEN. Erste Abtheilung. Berlin, 1843.
6. *Handels-Statistik des Oesterreichschen Kaiserreichs.* VON S. BECHER. Vienna, 1841. . . 419

V.—*Négociations relatives à la Succession d'Espagne sous Louis XIV., ou Correspondances, Mémoires et Actes diplomatiques concernant les prétensions et l'avènement de la Maison de Bourbon au trône d'Espagne. Accompagnés d'un texte historique, et précédés d'une introduction par M. MIGNET.* 4 vols., 4to. Paris, 1835 et 1842. 470

- VI.—1. *The Kingdom of Christ, delineated in two Essays, etc.* By the Most Rev. R. WHATELY, D.D., Archbishop of Dublin. London: Fellowes, 1841.
2. *The Claims of the Church of England, etc.:* a Sermon before the University of Oxford. By the Rev. B. P. SYMONS, D.D., Warden of Wadham College. Oxford, 1842.
3. *The Via Media:* a Sermon before the University of Oxford. By the Rev. R. W. JELF, D.D., Canon of Christ Church. Oxford, 1842.
4. *The Church Principles of Nice, Rome and Oxford compared with the Christian Principles of the New Testament.* London: Fellowes, 1842.
5. *Three Sermons on the Church.* By the Right Rev. C. J. BLOMFIELD, D.D., Lord Bishop of London. London, 1842.
6. *Reserve in the teaching of Religion:* an Ordination Sermon at Christ Church, Dublin. By the Rev. J. WEST, D.D., Vicar of St. Anne's. Dublin: Curry, 1843.

ARTICLE	Page
7. <i>An Essay on the Miracles recorded in Ecclesiastical History.</i> By the Rev. J. H. NEWMAN, B.D. Oxford, 1843. . . . .	528
VII.— <i>The Oregon Territory.</i>	
1. <i>Memoir, historical and political, on the North-west coast of North America and the adjacent territories.</i> By ROBERT GREENHOW, translator and librarian to the Department of State. New York, 1840.	
2. <i>Convention between His Majesty and the United States of America, relative to the Territory on the North-west Coast of America, signed at London, August 6th, 1827.</i> Presented by command, and ordered by the House of Commons to be printed, 20th June 1828.. . . .	560
VIII.— <i>Notes of a Traveller on the Social and Political State of France, Prussia, Switzerland, Italy, etc.</i> By SAMUEL LAING, Esq. London, 1842.	
	586
IX.— <i>Ireland before and after the Union with Great Britain.</i> By R. MONTGOMERY MARTIN, Esq. London, 1843. . . . .	
	616
<i>Note to the Article on the Law of Debtor and Creditor</i>	658
<i>Postscript to the Article on the Oregon Territory</i> . . .	662

THE  
BRITISH AND FOREIGN  
REVIEW.

---

ARTICLE I.

1. *An Index to the Tracts for the Times: with a Dissertation, etc.* By the Rev. D. CROLY. Oxford, Vincent: London, Hatchard. 8vo. 1842.
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THAT the remarkable religious movement which has characterized the history of the English Church during the last few years should have attracted general attention, and called forth much excitement in the first instance, is no more than might have been expected; but that, after a lapse of some years, when the novelty has worn away and the original exciting causes have in a great degree ceased to act, the controversy should still continue to occupy a considerable and almost daily increasing share of public attention, can only be regarded



as a proof that its ~~real~~ springs and sources lie deeper than might at first sight appear.

A mere affectation of external peculiarities in the service of the church, or an extreme assertion of certain high and mystical doctrines, it might be supposed, would not be of a permanent nature,—the temporary excitement would cool down, the exacerbation of religious zeal would die away; more especially if we speak generally, without regarding a few confessedly extreme cases. But this in fact has proved to be no merely transient outbreak of religious fervour; it has exhibited a steady systematic advance in the propagation of certain *broad fundamental* principles; the adoption of which, whether accompanied or not by all the external peculiarities alluded to, has continued to strengthen its hold on a very large and influential party both among the clergy and laity, in spite of many discouragements, and the operation of many counteracting causes. All this distinctly shows that the principles which lie at the bottom are more general and efficacious than a superficial glance would lead us to imagine; that this system exerts an influence far more powerful than one confined to a mere maintenance of external forms of service, a revival of obsolete ecclesiastical practices, a doting attachment to mystical dogmas, or a fond veneration for ecclesiastical antiquity.

That public attention should be most easily and commonly drawn to such outward indications and subjects of controversy is to be expected. Men, even of the educated and comparatively thinking class, can with difficulty be brought to inquire steadily into abstract questions of religious truth; their attention must be arrested, and their interest excited by some striking outward change or grand revolution in opinions; and it is even then chiefly in the practical and palpable consequences which are forced upon the notice of the world that any real concern is awakened: a comparatively slight extravagance, or more manifest innovation in externals, excites discussion, and enlists zeal on either side in the conflict; when opinions, which struck at the root of all just principle, if they showed themselves in speculative discussion only, might remain utterly unnoticed. Thus a *comparatively* trivial abuse,—the sale of indulgences,—a mere offshoot and ap-

pendage to the absolving power of the church, and of trifling importance compared with the enormities in principle on which the whole system was founded,—was the immediate cause of the Reformation. Men who were incapable of appreciating the iniquities involved in the very essence of ecclesiastical tyranny, were startled at an abuse of this tangible nature, which came more within the grasp of their apprehension.

Thus, at the present day, the increasing prevalence of the high principle of church authority might long have remained unnoticed, or have been discussed only by a secluded circle of theologians; but since instances have occurred in which this system has been pushed to some of its legitimate consequences, Protestants have begun to catch the alarm, that Popery is nursing within their very sanctuary; and a dread, which the propagation of the grossest errors in theory could not inspire, is excited in the minds of the many by the occurrence of some rather more open adoption of practices which they interpret as a tampering with Romanism, some introduction of a form or an observance which they construe into a “revival of Popery.” Those who feel totally unconcerned whether their faith be really founded on the Word of God or the invention of men, are roused into alarm if tapers are lighted on the altar, or a priest reads his discourse in a surplice: those who are utterly apathetic to the grounds of scriptural truth or of Christian salvation, recoil with horror and amazement when they hear of the invocation of saints, auricular confession, or prayers for the dead. All this, however, has its use in directing at least some portion of thought to the subject. However ill-founded those particular apprehensions may be, we cannot help trusting that, by means of these, if not by higher considerations, a spirit of more general reflection has been called forth, and whichever way it may tend, this is the most hopeful symptom of the whole case.

But more especially is it a matter of triumph, that those who are the most desirous to repose in undisturbed security upon *old established* principles, are roused from their supineness when they find it is but the following out of those very principles which has led to all the extraordinary results among which they now find themselves entangled: they are forced to find an answer to the question,—are we now to



adhere to "the *old* paths," or are we to adopt apparent *novelties* in order to go back to others pretending to be still *older*?

Yet many who support these tenets in substance, contrive to evade such questions by avoiding too exact an adoption of the outward form; and while one section are distinguished by pushing to the utmost extreme, which they can possibly reconcile with a nominal conformity to a Protestant church, the various dogmas and ordinances which result from or are necessary to the high view of church authority, they find their main support in those auxiliaries who decline to follow them in their excesses, and even disavow many of their tenets. Yet these firmly uphold the same main foundation in ecclesiastical authority and Catholic truth; and approve in practice of many observances conceived in exactly the same spirit, even while they would avoid giving offence by too prominent a display of them.

The more comprehensive principles, on which the whole question is really based, include all the shades and varieties of what are called High Church opinions. The tangible controversies of crucifixes and vestments, of postures and penances, are mere superficial indications of the current which flows beneath. It is to the origin of that movement which bears these lighter matters on its surface that we are now desirous of directing attention, of showing the fundamental importance of the question, and its immediate bearing on matters of paramount and universal concern.

In discussing this subject, we might take a certain portion of the multifarious writings in question, and having extracted a farrago of detached passages, containing the strongest expressions and most startling announcements, offer these as proofs of their fearful tendency, and thus excite alarm for the safety of the Protestant faith; but we believe our readers will have seen enough of this style of argument, and will be more likely to turn away in pure disgust than to derive any additional conviction from extracts thus put before them. We shall therefore content ourselves with reviewing the general tenor and spirit of the system, and endeavouring to exhibit in a prominent light those primary and fundamental considerations to which we have alluded; in doing so we shall once

for all refer to the admirable 'Index,' named at the head of this article, because it will precisely *supply* the references which we do *not* give. On each topic then of which we treat, we request our readers to turn to the word in the 'Index,' and they will find abundant evidence which they can verify *ad libitum* by going to the original volumes. In the dissertation, annexed to the 'Index,' there is also an able discussion of the chief points in controversy, which has the unusual merit of putting the main substance of the argument into a short compass. Indeed the most ample elucidations of the real nature of the system may be collected from most of the publications of this party, even where they are directly engaged in the more minute details of the subject; but, as we have said, into these details we do not enter. With respect to the doctrinal bewilderments of Dr. Pusey, who is now as it were *hors de combat*, under the ban of the most orthodox university, we will merely observe—that his far-famed sermon, which we have named above, is in fact nothing more than a farrago of extravagant assertions, without a shadow of argument, and, after all, containing nothing more than has been brought forward already in ceaseless repetition both in the Tracts and other writings of the school; as also by many of the older writers of the Anglican church, from whom he annexes sixty-four pages of extracts. He affirms, as all the sect do, in the most positive terms, the actual identity of the consecrated elements with the real body and blood of Christ, therein agreeing exactly with the Romanists. That the particular manner in which this takes place is an impenetrable mystery, is again equally admitted by both parties: the whole difference between them is, that the Roman Catholic uses the word "transubstantiation" to express the mystery, the Anglo-Catholic rejects it. The deeper subtilties of Mr. Newman, so far as he thinks fit to disclose them, are partially unveiled in several of his publications; it being the characteristic of his style to afford a very different meaning to each different grade of intellect among his readers. In our general reflections perhaps the reader will find some clue to explore those depths; and as we hope hereafter to continue this subject, we believe it will then be the more proper time to follow up still further these reflections. At



present we propose to give a slight connected sketch of the nature and origin of the system thus advocated; in doing which it will be necessary to go back to first principles,—to recur, very briefly, to some general grounds on which opinions, especially on theological subjects, have in all ages taken their stand; and which are again intimately connected with the interior workings and primary elements of human thought and human feeling.

In reviewing the intellectual, moral or religious progress of mankind, at any period of their history, we find the varied forms of human opinion always bearing the impress of one of the two great sources from which they take their origin, and with it their peculiar features, and which we name generally *REASON* and *AUTHORITY*. Though each of these terms has been used with some diversity of meaning, yet we may adopt them in a general way, without fear of mistake, as convenient designations for two broadly distinguished principles which share an influence over all human opinions and institutions, under whatever diversity of outward form, and the nature of which is best seen in contrasting their characteristic practical effects. It may indeed be true that either is seldom found in operation free from all admixture of the other, but we may still trace the peculiar effects of each even in their joint operation. The one always seeks to maintain a dominion of influence, the other disclaims all sway but that of argument; the former looks only to submission and conformity, the latter to conviction and sincerity; the one would enforce duty and subordination, the other is directed to enlightenment and freedom of opinion; the first adheres to an unvarying standard, the second is progressive; the former holds out the salutary and beneficial effects of its requisitions, the latter inquires into the grounds of them and seeks facts and evidence; the one follows the ancient, the many, and the approved, the other cares not to stand out singly and renounce the most favourite prepossessions; the one clings to old associations and impressions of the past, the other looks to the brighter prospects of the future; the one seeks to repress excitement and innovation, the other lives in movement and progress; the one exclaims against the unknown dangers of change, and urges the safety of adherence to what is established, the

other dreads the worse evils of lingering in stagnation, and contends that real security is to be found only in energetic advance.

Throughout the history of human opinions we cannot fail to recognise these two counterbalancing powers always in operation, under one form or another,—the one repressing, the other stimulating, the activity of the mind, whether for good or for evil. Either, in excess, has been productive of mischief; and each has in some degree acted as a check on the other, and a preservative against its abuse. But the tendency of each is clear, and we trace the influence of each in turn in all the marked epochs of the condition of the human race, as each has for a time acquired the ascendancy. In the intellectual progress of mankind we witness the operation of these opposing principles; in the perpetually varying aspect of civilization and art, of literature and science; in the state of knowledge at successive periods; in the advance or stagnation of invention and discovery; and in the degradation or improvement of the social condition.

But it is with reference to the higher objects of moral improvement and religious enlightenment, that the characteristic effects of these great opposing elements are to be contemplated in their most momentous results; closely connected indeed have these been with the parallel influence exerted over intellectual advancement. The peculiarity of character in the religious views and theological systems of different ages and nations is essentially dependent on the predominance obtained by one or the other of these antagonist powers.

The use of the term *reason* is often a source of cavil when adopted in subjects of a religious nature. Many take it to imply a principle of our nature essentially hostile to the feeling of religion, and regard it as nearly synonymous with presumptuous speculations opposed to Revelation, at variance with the humility of faith and all spiritual influences. At present we employ it in no such limited meaning, but in the wider sense of that faculty by which in general we distinguish truth from falsehood, and by which conviction of any kind is brought home to the mind of every man, according to the ability bestowed on him; and some such function must be ad-



mitted by all who base religious faith upon any species of real personal persuasion. Some indeed, distinguished by their professed zeal for religion, are peculiarly fond of decrying the claims of human reason and disparaging all intellectual pursuits, especially condemning the present age as evincing a too prevalent tendency to encourage and foster these dangerous delusions;—ideas which seem peculiarly inconsistent in men professing to take a religious view of the case, since the powers, whether of the reason or the spirit, with which man may be endued, are gifts alike from the same Divine Source, equally to be valued and alike diligently used for the high purposes for which they were bestowed. If we merely look at man as a rational, moral and responsible being, it must appear at once that his first and most binding duty is to cultivate and employ whatever powers of discerning he may be invested with in the discovery of truth, and of those obligations which arise out of the truth so discovered; that, thus freely and earnestly inquiring, he would assuredly succeed in finding the substantial basis of moral and religious obligation, the true emancipation from ignorance, superstition and vice, and the surest access to all real happiness.

And this must apply, not only to the truths of natural religion and morals, as elicited by the mere use of our unaided faculties, but to the spirit in which, on the same grounds, the wise and humble would look to any higher announcement of divine truth, in whatever form it might be made known; since they would fairly infer that any such communication must necessarily be conveyed by some channel distinctly indicated and fully accessible to their search. The search might be attended with difficulty; the truth might not present itself unsought to the careless apprehension of every passer-by; this the analogy of the moral order of the world itself would lead us to expect. But this need not render the attainment of the object hopeless, especially if each individual were humble enough to presume to judge only for himself; while unremitting diligence and earnestness in the inquiry, as well as the right of unrestricted freedom in the pursuit of it, would be what must in the first instance appear essentially reasonable.

But although few would deny all this, in some sense, yet

practically the most effectual hindrances are placed in its way, and numberless pretexts offered for opposing its free course. These obstacles are partly such as arise from various general causes, having their origin in human nature, and partly from the prevalence of certain systematic views even more opposed in their tendency to the search after truth, though professing to uphold it.

In general, though it may be admitted as abstractedly just, that the free use of private judgement and a spirit of inquiry should be conceded, yet it may be urged without unfairness, that all this will avail nothing if *some positive principle* of another kind be clearly established which superimposes a higher authority and puts a limit to the freedom of speculation. Now such an authoritative check and limit, it is contended by some, has actually been imposed; such power, it is asserted, *is* lodged in the hands of a supreme tribunal, before which all ought to bow.

Pretensions to a right of dictating the true doctrine authoritatively have, under many varieties of form, prevailed widely in the Christian world, and have generally professed to centre in what is termed "the Church;" while in the conflict of opinions which has ensued, we trace the same characteristic opposing elements, by whatever names designated in different ages, yet still in substance the same. We find these opposing principles pre-eminent in the grand theological contest of modern ages between what, in their widest extent, we name the spirit of Protestantism and of Popery; not the struggle merely between Romanism and Anglicanism, between Trent and Augsburg, between Rome and Geneva,—the question between dogma and dogma, bigotry under one mask and bigotry under another,—but the wider question between ecclesiastical domination and spiritual freedom,—between "the Church" and "the Bible,"—the free use of a divine book, given to us for the purpose of being freely used, and subjection to the decrees of a human tribunal concerning the things of God. To unfold more fully the nature, tendency and consequences of these great principles, we must survey the history of their progress and predominance.

A tendency in the Christian institutions towards very high claims of spiritual authority had at least a plausible founda-



tion. The divine founder of Christianity "spoke as one having authority:" his apostles proclaimed their message with similar boldness and positiveness, and their followers were enjoined "to teach, exhort and rebuke with all authority." The churches which they founded were urged to continue stedfastly in their doctrine and fellowship, armed with power to cut off disorderly and heretical members, and invested with high functions and privileges; of which, therefore, it was not unnatural to claim the perpetual continuance, by virtue of the unfailing divine promise, to be upheld to the end of the world. Thus it was not surprising that in the succeeding ages of the church such supreme authority should have been extensively recognised and maintained, whether as vested in some specially commissioned person or body,—whether subsisting in the combined society, or in some party possessing a supremacy over it. Sometimes indeed we trace such a persuasion existing and operating in full force and effect where it has been least avowed or explicitly held forth.

In their most precise and systematic form, such pretensions stand confessed in the assumptions of the church of Rome. Here we can most distinctly study the claim to dominion over men's consciences as existing in its most complete and undisguised character; but it needs little acquaintance with the history of religious opinions to perceive, that to regard it exclusively in this light would be a very narrow and erroneous view of the subject.

Inquirers generally derive their notions of the subject from the view which history discloses of the ambitious pretensions of the Roman see, mixed up in all the extrinsic circumstances with which the spiritual supremacy was involved by the temporal policy of successive pontiffs, in their designs of worldly aggrandisement and universal dominion. Amid these glittering but incidental adjuncts, the real nature of the claims to infallible authority, as the ground of religious faith, and its independence of these particular outward forms, is too often lost sight of, and the secret of its almost universal influence not sufficiently appreciated.

The influence and nature of this broad principle ought however to be considered by itself, and apart from those various subordinate forms and observances, which, being most

apt to strike the eye of the superficial inquirer, are denounced as the abominations of Popery; whereas they are the mere superficial manifestations of that spirit of corruption which first encouraged the growth of an intellectual and moral despotism. The root and stock had in fact put forth its shoots long before the period assigned to Romanism, and had from the earliest times been the parent of ecclesiastical institutions, dogmas and ordinances.

The Romanists of course do not allow that their system ever had a beginning save that of Christianity itself; others however (whether calling themselves Protestants or not) pretend to trace such a beginning; and while the term "Romanism" or "Popery" is adopted to designate that system, unfortunately no convenient name has been devised to express specifically the system out of which Romanism took its rise, which presented confessedly very similar features, and rested on the same main foundations. Some indeed adopt the term "Catholicism," as a comprehensive description of this system in all its generality,—as including the earlier, and as they think, purer condition of the church, as well as the later and corrupt form of Popery. Since, when distinctly explained, there can be no objection to this use of the term, we shall continue to employ it; the designation of "the Catholic system" which it has received from its advocates, is one which we may adopt, without fear of being mistaken, as sufficiently descriptive of its origin and character.

In tracing the progress of these institutions, however, we shall see clearly how much was really involved in the adoption of the term. The pretensions thus implied are of a lofty and comprehensive kind; they involve a principle of authority the most ancient, the most universal and most powerful in its influence, the most widely ramified and intimately connected in all its parts, which even demands to be received as coextensive and identical with Christianity itself. Yet so peculiar are those claims, that such an exclusive application of the term "Catholic" is at once seen to be singularly remote from its etymology and from the simple sense in which it was indisputably used by the earliest Christian writers.

Nevertheless, by steps which are not difficult to trace, "the Catholic church" became at length the current designation



of the larger and dominant portion of the Christian body; and "the Catholic faith" came in like manner to designate that precise creed which, in virtue of their own exclusive title, they upheld as the only true faith; till at length arrogating to themselves absolutely apostolic powers, they excluded from Christian privileges and condemned as heretics all those who would not obey their dictation or own their supremacy. They pretended to the sole possession of the sacred deposit of the true doctrine, handed down in a continued commission; while the gradual acceptance of a belief in the efficacious communication of spiritual benefits in and through the ministrations of the hierarchy, along with multiplied observances, tended by obvious consequence to consolidate and advance the dominion of the priesthood. Thus, aided by a multitude of minor sources of influence, that peculiar ecclesiastical constitution, which arrogated to itself the sole legitimate authority over the Christian world, went on enlarging its pretensions so insensibly, and with so cautious an eye watching the gradual admission of successive encroachments before it openly insisted on them, that it could truly allege they had never been disputed, and thus at length set up the claim of immemorial prescription.

Such were the pretensions which the ascendant portion of the church had begun to put forth long before the period assigned to the development of what are called the modern corruptions of Romanism; and out of these rudiments, built up by gradual stages, the whole was at length compacted into that highly complex and elaborate structure which had risen to its completion at the age of the Reformation.

The progressive success of such a system is easy to be understood and readily accounted for, on the slightest unbiassed examination; it was carried out into its full development by men who well knew the arts of obtaining and preserving ascendancy. It was the better consolidated and the more likely to endure in proportion as it was reared by slow and almost imperceptible degrees; having at every stage of its progress, by the skilful union of natural prejudices and established associations, united votaries of all classes in its support, having cut off all heretical members and moulded all its dependent branches into subservient uniformity, it could

assert its title as such to be identical with the one universal church, out of whose pale is no salvation, and which is invested, in its collective capacity, with an authority undistinguishable from the divine. The principles on which this "Catholic system" was founded could legitimately involve nothing less than the claim of *infallibility*, or, at the very least, something practically equivalent to it.

Thus, when arrived at the proper maturity of her strength, the church, with necessary consistency, soon demanded from her votaries an uninquiring submission to her decrees; exacting an entire renunciation of private judgement, by the implicit adoption of her dogmas, and of moral agency, by the subjection of the conscience to the priest; the fetters thus imposed she *riveted* by auricular confession, and thus completed her empire at once over the intellect and the will. Finally, in proportion as she acquired the means, she supported these claims by the uncontrolled exercise of arbitrary secular power; she upheld a universal spiritual tyranny by the aid of temporal coercion; defined the true doctrine with the point of the sword, and offered as its cogent evidences the dungeon and the stake. And with perfect consistency;—where the dominion of reason ceases, that of force necessarily begins.

The efficient exercise of the powers asserted by the church required a *tribunal* to judge and punish heresy. The Inquisition itself was but the legitimate offspring of the Catholic principle; all its enormities, rightly understood, were but the loving and parental chastisements of the church, to restrain her erring children.

That this should have been universally and even gladly submitted to, will not be surprising if we look to the practical character of the entire system, and recognise the powerful appeal it makes to some of the most dominant feelings of our nature, and the close adaptation with which it conforms itself to the demands of human infirmity, and gratifies the most urgent cravings of the human heart. Among these, one of the foremost is the distaste for seeking *truth*, and the reluctance to couple with it the obligations of morality. The church effectually dispensed with both;—the Inquisition superseded the sense of truth; the confessional, that of morality.



Such is the anxiety to shift responsibility from ourselves, that men too willingly embrace any system which sinks the individual character of religion in that of the body; which ascribes to the church a sort of collective holiness apart from that of its members. They thus look to its divine perfections to cover the sins of its adherents; it breathes sanctity around, and envelopes in the atmosphere of its merits all who belong to it. Thus each incurs only a portion of the joint responsibility, a share in the common conscience.

Such is the desire to repose our belief on an unerring authority, that no degree of unreasonableness in the doctrine, or of harshness in the enforcement of it, will prevent such submission being yielded unhesitatingly. The votary is prepared to obey any requisitions, however arbitrary, which may save him from anxious doubts and harassing inquiries, and supply the comfortable assurance which his weak faith needs. He is satisfied to believe what the church believes, to practise what the church practises. In her absolutions, he feels relief to a burdened conscience; in her ordinances, a happy exemption from more oppressive obligations; in her discipline, an easy composition for occasional aberrations and worldly enjoyments.

The church has always known well how to accommodate herself to all varieties of apprehension and disposition; and if towards the ignorant and careless she assume the sterner countenance of authority and coercion, yet to the more susceptible she can plead with moving exhortations; and, well aware how much more readily men are swayed by emotion than by reason, she addresses her appeals in those eloquent tones which leave the charmed listeners in willing ignorance that Christianity is something more than an indefinite feeling of veneration for some object too awful for inquiry, and which demands only implicit subjection and adoration.

And all this is most powerfully seconded by those splendid adjuncts and imposing embellishments of religious worship (gradually adopted, and refined upon, from early times) which she has so well known how to enlist in her service; and by the pageantry of a dramatic ceremonial, heightened by all the aids of art, to allure the senses and charm the imagination; until the votary, wholly resigned to exalted impressions, un-

hesitatingly prostrates reason and conscience, volition and conviction, before the shrine of infallibility, and fervently joins in the exclamation of one of the most popular modern advocates of Catholicism,—

“Hail! then to thee, thou one and only true church, which art alone the way of life, and in whose tabernacle alone there is shelter from all this confusion of tongues. In the shadow of thy sacred mysteries let my soul henceforth repose, remote alike from the infidel who scoffs at their darkness, and the rash believer who vainly would pry into its recesses; saying to both, in the language of St. Augustine, ‘Do you reason while I wonder, do you dispute while I shall believe; and beholding the heights of Divine power, forbear to approach its depths.’”

But let us look more particularly to this system as regards *the rule of faith and doctrine* which it adopts. It is alleged that the Word of God, communicated directly to the Apostles and Evangelists, was *in part* recorded in their writings; but *in part* also, and that the *larger part*, disseminated in their oral instructions to the different local churches which they founded, as a special divine deposit. These scattered fragments of the bread of life were from age to age diligently collected by the Catholic church from among all its particular members and branches, and preserved pure by virtue of the unfailing power vested in the church; and thus they have come down together with the written word, forming one real and authoritative body of divine truth. The precious remains of the fathers exhibit to us these treasures scattered in divine profusion; while the *Aurea Catena* preserves the combined body and spirit of patristic comment on the scriptural records, which at a later period has been more systematically developed, as in “that mighty synthesis of Catholic doctrine,” the *Summa Theologiae*. At least as early as the second century, the testimony of Tertullian is adduced to show that the *traditional* rule of faith was in that age the settled doctrine of the church.

Whatever divine character is ascribed either to Scripture or to tradition, according to this principle, depends solely on the collective decree and united judgement of the church, which is thus a living tribunal authorized to interpret, that is in fact to announce divine truth. By this tribunal, the entire authority of Scripture—the text and body of books to be received, the opinion to be entertained of their inspired



character, and their claim to be the Word of God, were authoritatively determined. By the same appeal is the genuineness and apostolic origin of tradition ascertained, or the meaning of either, if doubtful, decided. Both portions of the divine word thus prefer an equal claim to acceptance on the same authority; and this authority is by consequence manifestly independent of both. Whatever corroboration it may find in them, it is in itself distinct from and superior to them, and belongs *inherently to the church*, by powers vested in her directly by her divine head. By the essential nature of such a claim as the ground of faith, when pushed to its consistent extent, every other consideration of right and of truth is, in fact, absorbed and overruled. It must be supreme in everything; it can tolerate no appeal elsewhere; and if vagueness and uncertainty be for a moment supposed to attach to the undecided question, "*Where* is the precise depository of infallibility?"—if the existence of apparent differences, conflicting decisions and inconsistent decrees should raise a suspicion as to its sufficiency,—if so vast an assumption should be imagined to require some evidence in its support, it must be remembered that the plenitude of infallibility is all-sufficient: it extinguishes at once all doubt, it relieves its votaries from all harassing difficulties, it discards all reference to reason, and requires only a dutiful subjection; it puts an end to all controversy or inquiry, by the simple demand of an unhesitating, unreserved submission; it denounces the very entertaining of *any* question as a direct act of heresy and rebellion. All private judgement is but private infatuation,—individual conviction but individual delusion!

If there be on earth a real, living, divine authority in matters of faith, the claim at once follows for implicit subjection of the reason to it. To resist or object, is not error but sin: to reject its guidance for our own judgement, is not a mistake but a crime: faith becomes a virtue, instead of virtue being the fruit of faith. Belief is a matter of duty, not of evidence; and there may be an intelligible meaning in what is termed the responsibility of the understanding: that is, after all, a responsibility in the individual to resign his understanding and passively adopt whatever the infallible authority dictates.

Such were the lofty pretensions which the self-styled Ca-

tholic church by slow degrees put forth, and at length established in uncontrolled supremacy. Not, indeed, that it has been the practice of the church always to fall back on these high claims; but, without ever really dropping them, she has shown a judicious wisdom in waiving them as occasion required; adapting herself to the capacities of all her children, and condescending, whenever it seemed desirable, to employ the milder weapons of argument, in the use of which many of her advocates have shown themselves pre-eminently skilful.

A perception of the importance of thus claiming alliance with philosophy was the origin of the scholastic theology. Modern research into medieval literature has presented us with a distinct picture of the progress of this method of theologizing, and has traced the original jealousy of the church against the peripatetic system, gradually converted into a guarded adoption of it, and ending in an intimate union of its spirit with the whole scheme of dogmatic theology. The leaders of the church soon perceived how admirable an ally this system might be made; how completely all real independent inquiry into the simple truths of Revelation might be sunk in this subtil generalization upon terms; under whose dominion, all religious doctrine being reduced into systematic dogmas, and made the subject of interminable logical disputations, all higher views of truth would gradually be lost, and thus the subjection of all discussion to ecclesiastical authority would be ensured; while under the shelter of its name the utmost reverence would be paid to those abstractions, even though, under this orthodox disguise, little else than an infidel philosophy might be really concealed.

But with the world at large, the more effective line of argument was that systematic exhibition of texts and authoritative dicta, which constituted the "positive," as distinguished from the "scholastic" theology of the middle ages. The main defence of the Catholic doctrines is the plea of antiquity. The more popular Catholic theology has always mainly consisted in the accumulation of authorities from a succession of writers up to early times, who with more or less distinctness evince an agreement in the doctrines in question; or who, if they do not always explicitly assert them, at least present such indications as, to the well-trained disciple of the church, will



easily bear the desired interpretation. Should captious opponents urge the insufficiency of such testimony, a ready source of reply is furnished in the consideration, that if in remoter antiquity these doctrines were not so precisely maintained in express forms, yet, from hints which are occasionally given, it is manifest that they were not the less really held and taught, though spoken of only in an "economical reserve;" that the tenets themselves always existed, and were held as it were in the breast of the true church, though the formal and precise expression of them was only extorted by the necessity of the case, to refute the arrogant speculations and repress the profane audacity of heretics. These true doctrines had all along been implicitly continued, though hidden, in the belief of the church; the emergencies of heretical assaults did but call forth the expression of them, or, to adopt the singularly happy illustration of Mr. Newman\*, heresy did but "precipitate the truths before held in solution;"—a method of argument which must be allowed on all hands the most difficult to refute! The unbroken continuance of observances, rituals and articles of faith in the Catholic church, through all ages up to that of the Apostles, at once supplies the *proof* of those tenets,—as the interruption of it is the test of heretical apostasy. Authentic history clearly traces some such forms up to very early times; statements occur in the apostolic writings which may be understood so as to be not inconsistent with similar institutions; hence on Catholic principles it follows that they are of apostolic origin, and by consequence are to be recognised as the unequivocal characteristics of the true church.

A rational inquirer might, indeed, trace the origin and progress of forms, creeds and rites in the church to certain tendencies of human nature; the small accessions which the ritual was always receiving, might imperceptibly overlay the original institution, so that it might at length be impossible to recognise its genuine features under the cumbrous dress of ecclesiastical ordinances, or to identify the reference to it in vague allusions to something perhaps bearing the same name, or of the same general import; much less could it be shown

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\* Letter to Bishop of Oxford, p. 30.

that the same institutions were referred to in the incidental allusions or very general precepts of the New Testament. Indeed it might not unreasonably be supposed, from the absence of any precise injunction of them in the New Testament, that they were not designed to be there taught; even, as from the want of positive testimony in the earlier writers, it might be urged that they formed no part of the received Christian system of that day. But this is quite at variance with true Catholic logic.

With a view to any critical deduction, our great ignorance of the entire condition of the church at the period immediately succeeding that of the apostolic ministrations would render it unsafe to adopt any line of argument in which the practice and testimony of that age must be the most material of all links, if we are to prove a real transmission from the Apostles. Moreover, were the apostolic *origin* of any tenet ever so completely traced,—does this in the least prove the *design* of the founders of Christianity to make such institutions permanently and universally obligatory?

But on Catholic principles all these seeming difficulties are overcome, all these deficiencies in proof are supplied, the very allusion to them is rendered superfluous, by the infallible testimony which “the Church” bears to its own unbroken integrity, the indivisible union and connexion by which the propagation of order and truth has been continued in unimpaired succession from the first.

The idea of the inherent authority of the church once established, cannot admit of the slightest modification without involving an *entire* dereliction of the very principle itself. Yet among the supporters of the Anglican Reformation a considerable party still adhered to such principles, *professing* to maintain the Catholic faith alone. Testimonies to this effect from their writings are triumphantly dwelt upon by writers of the Anglo-Catholic school; and it cannot be denied that some of the most distinguished of the reformers, Cranmer and Ridley, even Bradford and Coverdale, as afterwards Hooker and many others, all refer expressly to primitive and Catholic *antiquity* as well as to Scripture. In many instances it is sufficiently clear that this appeal was only an *argumentum ad hominem*, a defence of their opinions on grounds which would



be conceded by their opponents (as is indeed manifestly the case in several passages even in the homilies which are expressly put forth by the church as containing "a *wholesome doctrine, necessary FOR THESE TIMES*") ; still there is much in their tenets which proves how little they understood the broad principles which such a movement must really involve: and the same principles have been ever since maintained by a section of the English church, who, if they have not been able entirely to assert the supremacy of their system, have at least borne continued testimony to it *as far as circumstances permitted*. For the inconsistency of such proceedings it is less easy to account, than for the motives of their adoption or the means of their introduction.

In their arduous attempt to compel all parties by law to conform to one established creed, the Reformers at least saw the imperative necessity of not making their terms of admission too restricted. They knew the difficulties of their task and the untoward, heterogeneous and refractory materials on which they had to work ; and this not only among theologians, but the legislature, who *alone* can decide what form is to be recognised as the *state religion*.

In such a movement, those who foresaw the impossibility of stopping the Reformation, and resolved, by siding with it, to moderate and guide the current, were the foremost to join in measures which they skilfully managed to turn considerably in favour of the old principles ; while at a later period their successors sought to push the same system to a more exclusive pre-eminence and shattered the whole edifice in the attempt. And if, in still more modern times, these opinions appeared to slumber, they were not altogether without advocates, though little generally known or popularly attended to.

At the present day, the widely extended revival which we have witnessed of this lingering adherence to the principles of the church before the Reformation, on the part of those who yet conform to that Reformation, is remarkable from their apparent forgetfulness, that on Catholic principles, by the very act of conforming, they have cast off all claim to Catholic unity or real participation in the succession to apostolic functions.

But however unwilling men may be to acknowledge this,

there are yet some among us who do not hesitate to condemn the Reformation in plain terms; who submit to the present order of things with unconcealed discontent, and with an avowed hope of an entire return to the purer principles of primitive antiquity; and who conceive that, thus to sit still with expressions of bitter regret, protests against the system under which they live, lamentations and prophesyings in sackcloth, will suffice at once TO REVIVE these principles, and to restore the balance of their own consistency. Meanwhile there have not been wanting men, among the more simple-minded votaries,—not yet initiated into those esoteric mysteries which reconcile adepts to the deeper contradictions—who have vindicated their simplicity and sincerity by openly going back to the one, unreformed church—to the bosom of the only true, unchanged, unchangeable, *Catholic* mother of the faithful!

The Reformation rejected certain tenets which had been delivered as the tenets of the church, at that time calling itself Catholic, and which the unreformed portion of the church has uniformly continued to maintain. The Reformation set aside as superstitious, rites previously held the most sacred, and condemned as idolatrous, practices previously enforced as the most salutary by the highest ecclesiastical sanctions of antiquity. *It could therefore manifestly be no less than an absolute renunciation of the authority of the Catholic church.*

Describe the Reformation in what terms we please, adopt what refinements or distinctions we choose as to the steps by which it was carried on or the authority by which it was established, we cannot get over the broad fact, that up to that period the Catholic church, such as it then existed,—asserting its authority over all its branches, and urging the inviolable *unity* which must essentially characterize and bind together all particular churches belonging to it,—did enjoy all the rights it claimed without interruption or hindrance; or, wherever any partial interruption might occur, visited it promptly by the exclusion of the contumacious party from its pale. To affirm that the church had exceeded its powers, that it enjoyed *usurped* prerogatives, or corrupted the doctrines entrusted to its keeping, would be so manifest an act of rebellion, so fla-



grant a breach of union, that the revolting parties would *ipso facto* break themselves off from its communion, even if the church did not cut them off and formally denounce them as heretical.

If the Catholic church, as it was established throughout Europe before the Reformation, really retained possession of those divine powers which it had always claimed, there could not be a more daring act of impious apostasy than to set aside, even in the smallest particular, its existing authority, or any part of the institutions once enjoined by that authority. On such grounds it is evident that the French nation, when they deliberately decreed "there is no God," did not commit a more public or fearful profanation than did the Saxon or Genevan, the Scotch or the English, when they discarded the mass and abjured the authority of the Pope.

Yet there are some who attempt the preposterous task to reconcile the Reformation with the principles of Catholicism and call it "*a Catholic act*;" whereas it was manifestly the act of a portion of the English clergy and people directly at variance with the decrees of the existing ecclesiastical powers, till then obeyed as those of the Catholic church. Or again, it is pretended, the Reformation was condemned only by the *Roman* church, and not by the *universal* church; that the decrees of Trent were not those of a legitimate general council, while the Anglican church retained its independent Catholic character. But who does not see that on *Catholic principles, in limine*, the very presumption of making such a distinction is an act of heresy and an exercise of private judgment? The church, as it existed before the Reformation—and still adhered to its indivisible unity—of course could not listen to such distinctions, which are in themselves repugnant to common sense and matter of fact.

Yet so bent are some of our theorists upon upholding the chimera of church authority, divinely obligatory on *individuals*, which yet may be set at naught by *nations*, that they seem to regard the Roman condemnation of the reformed communions as an act of monstrous tyranny, while yet—according to them—the church is divinely empowered to reject heretics from its pale. Thus we hear it formally argued that Luther and his associates "did not separate themselves from

"the episcopal church then existing in Germany, but they were forcibly excommunicated and driven out by the Roman pontiff and his servants, the German prelates." They are represented as professing their readiness to submit to a *general* council; that is, of course, to one which they should think fit to allow to be such. But great was the iniquity and hardship of their case,—the council of Trent condemned them without a hearing;—as if it could possibly, without compromising its own rights, have done otherwise!

In like manner it is by some seriously alleged that in England we did not separate from Rome, but Rome from us, since the Romanists conformed to the reformed establishment until the promulgation of the bull of Pius V. in 1572, by obeying which *they* became schismatics, and kept up their contumacious dissent by the introduction of a usurping priesthood from the continent;—the wolf's argument as to the disturbing of the stream.

Again, we are told that the great schism of East and West broke the unity of the church, which was truly Catholic till that period. It is consequently only by keeping in unity with the church *before* that separation that any particular communion can be truly Catholic; and such unity is in fact, they say, maintained by the Anglican church. But if it be so, it still remains to be shown what makes this uniformity *essential* or of *divine* authority. Again, if there was schism, one party was in the wrong, and who is to decide? At any rate each division, on all Catholic principles, must still claim dominion over her branches. The Reformation only multiplied divisions. It is idle to talk of avoiding schism by leading an existing communion to go back to one long extinct.

After all, what is the plain fact?—This.—The reformers upheld what *they considered* the pure faith in direct opposition and unreserved hostility to what had been hitherto established. Rejecting what the church had at least for *some ages* held, they could not contend that their faith was what the church had *always* held. If they maintained "only what it held in its first origin and purity," they were then using their own judgement to determine what that was, and thus flagrantly violating the first duty of all true Catholics. It is held forth as the vital distinction, that the Reformed Anglican



church rejected what was Roman and retained what was Catholic: that is, that in direct defiance of the very principles of all Catholic obligations, the leaders of the Anglican church took upon themselves to judge what was Roman and what Catholic; a number of unauthorized men took the liberty to decide for themselves what was pure and original Christianity. The Unitarians do no more. Some imagine that the right to remodel their institutions belongs only to *national* churches, as such; but if it exist at all, by what geographical limits is it to be circumscribed? If the English church may reform itself, why not any smaller local communion? or why not any body of men not locally defined? Another hallucination is, that the unanimous act of a church, not merely that of a majority, is necessary to sanction any change;—yet the authority of the universal church may be called in to coerce a rebellious branch!

It is another favourite assertion, that the church of England was the same after as before the Reformation; as much so, says Archbishop Bramhall, “as a garden before it is weeded and after it is weeded is the same garden;” or, as Archbishop Laud represents it, “the same Naaman, and he a Syrian still: “but leprous with them [the Romanists] and cleansed with “us; the same man still.” The fallacy however in both cases is equally obvious, in the use of an ambiguous term. If by “the same church” we mean the same externally constituted body, in the same local divisions, then it was one and the same; if we mean the body of men holding the same creed or communion, then they were different. If by “garden” we mean “plot of ground,” then it is the same; if “the ground *with its produce*,” then it is different. The allusion to Naaman is not the most happy, since we are irresistibly reminded that his leprosy cleaved to some of his followers.

Those then who adopt this Protestant Catholicism are practically constrained to make *some appeal to argument* to vindicate their rejection of certain tenets. They cannot take their stand upon the fearless consistency of the unreformed church, appealing solely to its own inherent authority and unbroken unity, and condescending only to answer disparagers with anathemas. In presuming to call in question any part of the pretensions or tenets once professed as those

of the church, they *have appealed* to another authority, and they must therefore continue to do so in their own defence. They have used their own judgement in discarding certain portions of the doctrine once handed down in the church : they zealously disclaim many of the precise dogmas of the Romish creed in detail : they are ever vigilant to repel the slightest charge, to explain away the most distant appearance, of a leaning to any Romanist tenet. But in appealing to the grand principle of tradition and authority vested in the church and continued down in the succession of an apostolic commission, they admit the very authority which, in the later times of its continuance, sanctioned all those corrupt tenets to which they so strongly and inconsistently object.

It is ever the profession and boast of the true Roman Catholic to adhere stedfastly to the only true faith upheld in the church, as well ancient as modern—through all external changes one and the same for ever. He may, it is true, by possibility find some points in the doctrines and practices of his church which, when he reflects on them, somewhat startle his judgement ; some tenets or institutions which, when too curiously examined, may appear like corruptions ; some received notions which might hardly bear critical examination : but he sees the necessity of remaining consistent with the broad first principle of all Catholicism, and is content to silence the suggestions of his own judgement, and to take the system as an indivisible whole as it stands, even with all its seeming imperfections. No sound Catholic could allow objections to any part of the system, or join in any attempt to reform it from any alleged corruptions, without invading the first great maxim of Catholicism, that—*the church can do no wrong*. He can never become a reformer, or a follower of reformers, without directly impugning the authority by which the tenets they seek to alter has been sanctioned, and which is the same by which all the truths of the orthodox faith have ever been delivered. On such principles there could be no more fearful heresy than the doctrine of the Reformation, no more unpardonable schism than the division it produced.

The real and original Catholic doctrine claims to be received as a *whole* and as a *system*. It declines all refutation of *partial* objections, and in its systematic completeness and cohe-



rence it stands unassailable. But the pseudo-Catholics among ourselves can make no pretensions of this kind, and their objections in detail to this or that unreformed tenet are merely so many instances of palpable inconsistency. In the Catholic scheme every doctrine is intimately incorporated and bound up with the whole system, and involves the stability of the common authority on which they all repose: they mutually support each other, and must all stand or fall together. Now the self-styled Anglo-Catholics take away some stones of the arch, and yet expect the rest to stand! They acknowledge the prerogative of the church in principle, but deny it in practice; they profess to uphold its rights in general, but rebel against them in detail; they deny the soundness of the doctrine, while they cannot impugn the authority of the teacher: they denounce the Romanized church, through whom they admit the truth was transmitted to them; they profess to receive the faith as it is handed down to them, yet would themselves purify it from what they presume to call its corruptions; they think the waters of life *more* pure when filtered from a polluted stream than when drawn from the fountain-head.

Let them ponder well the straightforward manner in which a genuine Catholic exposes such inconsistency. We quote from the able pamphlet of Mr. Ambrose Phillipps:—

"He who stands up for church *authority* without admitting the *infallibility* of that authority, is either a bad logician or a bad moralist. .... This infallibility is promised by Jesus Christ only to the church *teaching all nations*—i. e. the universal church. The moment therefore that any portion of the church isolates herself from the rest of the church catholic, that instant she forfeits the glorious promise which was made only to the totality, and cannot be inherited by the several parts of which that totality is composed, unless they remain in the original position in which God's providence had placed them, in reference to that universal body, that is, living members of Christ's holy vine."—*Reply to Mr. Newman's Letter to Dr. Jelf*, pp. 11, 12.

And it is indeed manifest that the most essential principle and vital essence, as it were, of all Catholicism is found in the unbroken unity of the church and the indivisible identity of her permanent existence, by virtue of which alone she can claim a living continuance of her high attributes and powers; and the unimpaired succession in these functions, from the

Apostles downwards, is in fact but the result and emanation of this great principle.

But when this unity was broken, and the very thread of spiritual vitality was, as it were, snapped asunder by the convulsions of the Reformation, the channel of the apostolic commission was necessarily interrupted, its authority vitiated, and any pretence to the succession rendered null and void, by the heresy which placed all self-reforming communions without the pale of the Catholic church. If in any case a succession was still pretended, if a descent and catalogue of persons was made out, it was still not a transmission of the same function: if the name was retained, the reality was lost. The Anglicists can only raise their claims on that same plea of authority and tradition, by virtue of which the remnant of the ancient church utterly repudiates them; and the decrees of the church cannot admit of two interpretations; they can only support their appeal to ecclesiastical antiquity by interpreting it in their own sense, while the unreformed church makes the same appeal in a totally opposite sense. If this difference of judgement be allowable, where is the authority of the church? And again, where is the boasted security of tradition?

The traditional handing-down of the forms and doctrines of Christianity, in all their original purity, necessarily implies no less than *infallible* powers in the church.

The obvious operation of innumerable causes of adulteration which confessedly taint all similar modes of recording events or opinions in relation to ordinary subjects, in the hands of ordinary men, justly makes the very name of tradition nearly synonymous, in popular language, with fable and legend. In passing from one to another it inevitably receives additions, so slight individually that they may remain undetected, but on the whole sufficient to overthrow its entire credit in a lengthened series of transmission. Tradition, in proportion to any suspicion of its recent origin, is worthless,—in proportion to its antiquity, only the more likely to have become corrupted. Thus, not trustworthy in the smallest matters, it is of course wholly unfit to be the vehicle of such momentous announcements as those of Christianity. The slightest reflection, then, on the very nature of human tradition, as the vehicle and channel of *divine* doctrine, points out the num-



berless causes of its corruption, and its unavoidable adulteration by the admixture of what is *human*, even if it be not erroneous. And this shows the absolute necessity for a plenary divine power to keep the truth pure and uncontaminated, and proves that nothing short of a perpetual supernatural interposition could uphold such a preservative function in the church; a function which involves no less than the preservation of the precious deposit of *divine* doctrine absolutely unadulterated from all accessions of human invention. Thus, and thus only, could the church become the unfailing channel for the conveyance of divine truth, and the judge at all times of its true interpretation.

The Anglo-Catholics, still professing to uphold tradition, and insisting on it as the basis of true Catholic and primitive doctrine, must ever find themselves in a palpably false position unless they consent to go back to the one consistent idea of unqualified infallibility, and consequently return to the church as she existed before her infallibility was impugned and set at naught by the Reformation. They anxiously shrink from this disagreeable but unavoidable alternative; and in the palpable inconsistencies of reformed Catholicism in which they involve themselves, we can discern nothing but the most nugatory pretensions and unsubstantial chimeras; an empty affectation of powers which they are afraid effectually to assume; a religion of mere fancy, which pleases itself with idle imaginations. And this spirit of religious romance is at once evinced and fostered by the anxiety to cherish and revive the pageantry of ecclesiastical ceremonial,—the dramatic representation, as it were, of the “great parable,”—the allegorical interpretation of the forms, and the discovery of a mystic sense in the very architecture of the church;—all tending powerfully to divert the mind from the consideration of reason and facts.

In the genuine unreformed Catholic church, indeed, there is a reason, a consistency and a substance in these things; all its forms have a unity of purpose, a direct tendency to one grand object. They are, in fact, more than symbolical; they embody the reality of its functions; they are all conspiring parts centring in the consummation of its most awful mysteries; and the rigid maintenance of them involves a

worthy object, as the defence of the important outworks of the sacred citadel. Whereas in the pretended Anglo-Catholic institutions the affectation of similar forms is utterly empty and unmeaning—the substance is wanting; the contentions for the revival of them frivolous, the importance attached to them puerile. It is a sort of child's play at high mass—a make-believe religion of surplices and candlesticks.

We do not deny, that among its more honest but less enlightened votaries such a religion may be received without any sense of contradiction; they may find its doctrines and observances congenial to a spirit of deep and mystical devotion, and it may exercise some influence by the impressions it makes on the emotions and imagination. But we think the system, in all its manifestations, gives indications of a very different spirit in some of its adepts, which is fully understood and echoed forth by their worldly admirers and disciples.

We have thus endeavoured to trace to their origin those pretensions which form the common basis of the ancient ecclesiastical scheme, matured in the institutions of the Roman church,—partially and inconsistently adhered to by that section of the English Protestants who disclaim that title, and style themselves Anglo-Catholics. We have exposed the very simple causes to which the growth of the institutions in which these claims were developed may be traced; and from this simple consideration of facts, the testimony of history, and the obvious movements and impulses of human nature, all the lofty pretensions of church authority are at once seen to be baseless assumptions, and its claims reduced to their real emptiness. The secret of their influence,—whether as operating in the systematic completeness of Romanism, or in the futile and childish inconsistencies, the self-contradictory assertions, the arrogant yet powerless bravadoes of the pretenders to similar claims among ourselves,—requires further examination, which we must reserve for another opportunity.



## ARTICLE II.

1. *Der Isolirte Staat in Beziehung auf Landwirthschaft und National-Economie.* Von J. H. VON THÜNEN auf Tel-low. 1842.
2. *Essay on the Distribution of Wealth and the Sources of Taxation.* By the Rev. RICHARD JONES, A.M. London, 1831.
3. *Six Letters to Sir Robert Peel on the dangerous tendency of the Ricardo Theory of Rent.* By a POLITICAL ECONOMIST. London, 1842.

It will doubtless to many appear a startling assertion, that the theory of money-rents derived from land has been more carefully and more successfully studied in every other country than in England. Independently of the great importance attaching to the subject in a country where money-rents may be said to be universally adopted, while on the greater portion of the continent they are but sparingly introduced or altogether unknown, Englishmen are proud of what they conceive to be a peculiarly practical turn of mind, and are not disposed to acknowledge any inferiority in calculating skill. Yet few lessons of history are more instructive, and occasionally more amusing, than the manner in which this supposed practical superiority has often been mystified and led astray by the grossest sophistry, or than the grounds on which many rest the claims of England to the distinction of being the most practical of nations.

The very term *practical* deserves a place in the catalogue of ambiguous words; for it can obviously be applied in different senses. A practical farmer must rest his mode of treating the land he tills, and of calculating the proceeds he has to expect from it, upon his own experience and that of his immediate predecessors. The owner of an entailed estate, to which the farm in question may belong, would not however be justified in taking the experience of the past as the sole standard of the value of property for a future period, but is bound to inquire into the probable distant results of systems which may, for the moment, be satisfactory in their operation. A chancellor of the exchequer is too often obliged to found his calculations for the current period upon as-

sumptions which as a statesman he may feel to be unsound, and which as an historian he would unhesitatingly condemn. The writer on political economy is specially called to investigate rather the growth and tendency of systems of industry than their immediate and transitory results, and ill deserves the name of a practical man if he sacrifices to the show of gain, at the moment, the foundation upon which the future prosperity and happiness of large classes of a community, or of whole nations, must depend.

And yet it is notorious that in this self-esteeming practical England, men have obtained a standing reputation as *eminently practical* by pursuing a contrary course to that which the country had a right to expect from them. By suiting their doctrines and confining their speculations to what recent experience seemed to prove feasible, rather than by searching out the more general laws of which such limited experience was but a partial illustration, they have prepared the way for the strange spectacle which the nation has for some years presented, of trembling progress under a policy of timid, and frequently ruinous, expediency.

We have on several occasions not hesitated to throw the full responsibility of the disastrous picture which the interests of vast classes in the nation present, upon the founder and the advocates of the current opinions on the source of money-rents derived from land. They declared themselves fully aware of the intimate connexion subsisting between this part of the economical system of a nation and its progress to wealth, as well as the fund from which the taxes for the public revenue were to be drawn. It was therefore in the full consciousness of the vast bearings of the question which they assumed authority to decide, that Mr. Ricardo and his scholars promulgated the narrowest and at the same time the most groundless of speculations upon a point of such importance. The endangered position of the landlords in a large part of the empire at the present moment, the disorganized state of trade, and the retrograde movement recently made in our system of taxation, must be entirely laid to their charge.

Mr. Ricardo, in treating of the theory of rent, confines his inquiry to the effect of the relative fertility of soils; and this so rigidly, that the simple calculation of the effect of distance



from the place of consumption is not attempted in his celebrated work. Living at a period when the commercial communications between the principal countries of Europe had been for nearly a quarter of a century very much impeded, if not absolutely interrupted, by war, he seems to have imagined that our consumption of grain must be limited, and consequently our accumulation of population be regulated, by the power of producing food possessed by the soil of our islands. Under the influence of this notion he assumes a constant necessity for recurring to *inferior* soils in order to meet the growing demand occasioned by an increase of population, and declares rent to have no other origin and no other measure than the difference in the productive powers of the soils to which the accumulation of our population obliges us to resort.

Mr. M'Culloch, Ricardo's most ardent scholar, has since declared this account of rent to be the sole, and at the same time a complete mode of explaining its origin. In connexion with this assumption, then, we find in these authors a natural leaning to the Malthusian principle, that population has a tendency to increase more rapidly than food,—a principle which Mr. Malthus himself at a later period was more inclined to modify, than those authors who supported it by a theory of rent in which Mr. Malthus could not altogether concur. With this view of rent was coupled the theory of the value of labour depending upon the amount of commodities for the use of labourers, produced by themselves. Hence, the increasing price of grain tending constantly to enhance the price of labour, the inevitable rise in the labour-market was assumed to be the most formidable drawback on the profits of the manufacturer. The theory on the premises thus assumed was insofar true, that a continual rise in the price of grain, necessitating higher remuneration for labour, the manufacturer's profits would clearly have been eventually eaten up by these two constant encroachers,—the farmer and the labourer. Under such limitations alone as Mr. Ricardo seems to have considered possible, could the value of land employed for building, for gardening, for roads, canals and other improvements, have been measured by the fertility of the soil. If the supply of the first and most imperious necessity of man be



limited, of course everything connected with human life, the increase of population, the comforts and refinements of society, are regulated by the grand desideratum—the supply of food. Manufactures, trade, and consequently wealth and taxation, all receive their laws from the corn-grower, who then is right in declaring that he ultimately feels all the burdens laid upon the other classes. If they are kept in this close dependence upon him, whatever deducts from their profits is abstracted from the fund out of which he must pay his rent. This, as we see, amounts as nearly as possible to the doctrine put forward a century before by the Physiocrats: it would be an amusing (but here an unprofitable) inquiry to examine into the causes which led to its revival by a professed advocate of free trade.

Dr. Smith—who wrote his essay before war had assumed the appearance of being an element on which producers must speculate as a constant burden upon their industry—could not see,—a very small portion of the globe only being densely inhabited, and nearly the whole most imperfectly cultivated,—that the procuring of additional food would grow to be a matter of difficulty. The limitation in the usual production of grain he attributes to the limited demand. He thinks that if consumption increased, production would be likely to keep pace with it. Instead of ascribing the origin and rise of rent to the limited powers of certain soils, he seeks the landowner's advantage in an increased production, of which he thinks a larger share would fall to the landlord. He measures the value of grain, not by the shortness of the supply, but by the values of the other products of industry which in highly civilized countries give employment to so many more hands, and below which the value of corn could not fall in proportion. Instead of seeking the highest rents in unfavourable soils and climates where there is difficulty in producing, Dr. Smith would find them the most productive lands, where the ingenuity of man in other trades had fixed a high market-value for every product of industry, and for corn amongst the rest. In such countries he thinks that the landlord's share, being the greatest, and selling for a high price in consequence of the briskness of trade, must always exceed the return drawn by a few favoured individuals from the best fields of a sterile

country. The measure even of the agricultural rent drawn by the landowner is therefore placed by Dr. Smith rather, in the prosperity of trade and of manufactures, than in local advantages of soil and climate; which latter only furnish the means of turning the price fixed by the former to the best account\*. Dr. Smith is, however, far from considering corn-cultivation the most advantageous use to which, under all circumstances, the land can be put: he denies that land has its measure of value in any particular crop: he distinguishes between the advantages which fertility presents for agriculture, and those which situation, independent of fertility, offers for every other use which is made of the land.

Here we have two systems of directly opposite tendency, between which no medium of coincidence can be found. It is however unnecessary to trace the picture of the effects which each is calculated to produce on the social and industrial condition of a nation, since the consequences of the adoption of either theory have not escaped the notice of learned advocates. They have, on the contrary, been fully conceded. The system of encouraging a large production of the first objects of subsistence at home by the exclusion of foreign corn and cattle, ensures, according to the school of Mr. Ricardo, a competent supply at remunerating prices to the landlord, only for a limited population. Hence Mr. McCulloch, and other respected political economists, recommend in all their lectures checks, moral or political, upon the increase of the population. As the notable attempt made in the middle ages to sanction this plan under the garb of a religious duty proved so signal a failure, it is not easy to see what more effectual modes than convents and canonization will be recommended by the statesmen of this school in our day. Emigration is for the moment the panacea; but be-

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\* Adam Smith's account of rent may be said to be contained substantially in the three following passages of the 'Essay on the Wealth of Nations':—

"Rent considered as the price paid for the use of land, is naturally the highest which the tenant can afford to pay in the actual circumstances of the land."—*Book i. c. 11.*

"High or low wages and profit are the causes of high or low price; high or low rent is the effect of it."—*Ibid.*

"The extension of improvement and cultivation tends to raise it [rent] directly. The landlord's share of the produce necessarily increases with the increase of the produce."—*Book i. c. 11, conclusion.*

ides that obligatory emigration is not likely to prove a feasible measure, it does not clearly appear how the increase of the number of farmers abroad is to serve the cause of the farmer at home. The emigrant farmers must continually compete with the home production. Canadian corn and Australian wool are just as formidable rivals to our pasture and corn-growing counties as they are to the Russians or the Hungarians; and could they even be excluded from our home market, this would only contribute to cheapen the raw article in the market of Europe, to the great advantage of the foreign manufacturer.

The other system, which makes the increasing consumption of farming produce, as well as the price which it brings, depend upon the prosperity of the non-agricultural classes (that is to say principally of the trader and manufacturer), supposes, *à priori*, an unlimited competition in agricultural products, and a reliance upon the advantages which the nation possesses in facilities for manufacturing, in intelligence and in accumulated money-capital, for the support of market prices and the procuring of a ready sale for agricultural produce. But the supplying tools, machines and clothing on cheap terms to other nations, as well as the cheapening the means of transport between our harbours and theirs, if advantageous to our manufacturers, has a tendency to improve the agriculture of the countries thus supplied, and to raise up competitors to our farmers. Whether the farmer at home can meet this competition successfully or not, must depend upon the fact that agricultural improvements keep pace with the growing demand in the home market. These improvements must operate in a double sense: they must continually increase the supply, by means of which the price is kept from advancing; they must at the same time periodically simplify farming processes and render them more economical, so that the profit derived from them is continually divided amongst a lessening number of persons. What is then to become of the hands thus rendered superfluous? They must find employment in the continually increasing demand for labour in other occupations. Trade finds its nourishment in an increasing production. Manufactures, and such processes connected with farming as do not admit of foreign competition, grow



more profitable in proportion as population accumulates. Under such suppositions it may be conceived possible to augment the trading and manufacturing population of a country, until towns and villages, with their appertaining vegetable gardens and dairy farms, alone intervene between the estates of the luxurious classes. What, in such an event, would become of Messrs. Ricardo and M'Culloch's sole source of rent? Or is land so occupied and so cultivated to yield no rent to its owners?

In Professor Jones's work, the nature of rent, as it is at present levied in various parts of the globe, is explained in so lucid a style as to leave little to add upon the subject. The mode adopted of distributing the land for cultivation to what may be termed the class of agricultural operatives in every country, is analysed with an accuracy which testifies no less to the careful research than to the happy and graphic powers of conception for which the author is so deservedly celebrated. The tenures of the peasant, the ryot and the farmer are each historically traced and classified, and shown in the most ingenious and pleasing manner all to form links in the great chain of national development. In the details of these arrangements little or nothing is of fortuitous or arbitrary origin. Rent is shown by this author to owe its origin, in by far the greater part of the world, to the fact of an early appropriation of the soil. The fact that rent exists in many parts of Europe under the altered civil and industrial relations of this part of the globe, is of course owing to the circumstance that originally the lords of the soil were able to force their dependents to cultivate their land. Since the abolition of serfage in all the civilized countries of Europe, agricultural habits and propensities have in most parts induced the mass of the population to remain in a position differing but little from that of agricultural labourers, notwithstanding the more remunerating fields that have been opened. In some countries, as for instance Prussia and part of Austria, their continuance in this low state of industry has been purchased by the cession of the land on the condition of moderate annual charges. In all parts the nature of these charges and of the burdens laid on the peasantry, whether with their consent or in consequence of their inability to escape from them, are regulated by cir-

cumstances over which the landlord has as little control as the tenant. In the greater part of Europe, as in Germany, Austria, Poland and Russia, as well as in the north of Turkey, the rent paid for the land consists of so many days' labour in the week. In these countries a small amount of produce and a still smaller sum of money are not unfrequently added to the labour placed at the disposal of the landlord. In all parts the yield of the land to the proprietor is altogether regulated by the vicinity of markets and the foreign demand for produce. Where there is a possibility of selling produce, rents assume more the form that they bear in Italy and the western parts of Europe; but for the most part, the return given by the tenant, for the use of as much land as will support his family, consists of so many days' labour in the week, which the landlord turns to the best account he can. By this means his household domain is tilled, and he obtains produce for the consumption of his family, his household officers and servants, and his cattle, whether destined for luxury or for industrial uses. Rent of this kind varies but little with the changes of soil and climates, and increases chiefly in consequence of the growth of a population of exclusively agricultural habits, which enables the landlord to multiply holdings, which are certain to find occupants on the severest terms that he is able to exact.

Along the great thoroughfares of trade, where circumstances have favoured the aggregation of the population into towns, the land frequently improves so much in value, or rather the facilities for affording a more desirable return than labour to the landlord are often so much greater, than in the remoter parts of the same country, that a commutation of personal services for produce or money rents becomes easy. But in many districts the old claims survive in conjunction with others of a modern character, and in some parts of the Austrian empire, for instance, noblemen possess labour that they can dispose of to their neighbours. In most places, however, the law prescribes that no abuse of the right shall take place, by the exaction of other than the customary agricultural labour from the peasant.

In countries in which the labour of the nation may thus, through custom, be said to be monopolized by the landown-



ers, and where profits are drawn from the soil only in the shape of labour or of agricultural produce, the amount of money in circulation must be very trifling. The only possible mode of taxation is by direct imposts, and the levy of troops for the national defence must take place under the form of a general conscription, while the armies thus raised are either quartered on the inhabitants or supported by such supplies in kind as these furnish to the crown. In such countries too the landlord derives the least profit from rented land, and indeed it is difficult to obtain tenants on any terms.

Financiers in all lands have long been convinced of the intimate connexion subsisting between the amount and nature of the revenue which a government can command, and the account to which the industrial resources of a country are turned. They have found it far more difficult to agree upon the laws which prescribe the most advantageous manner of cultivating such resources, than upon the fact that these form the only fund upon which they can draw. Hence the variety of expedients resorted to in every country to increase the direct influence of the government in all industrial undertakings of the inhabitants, but which seldom betray any consciousness of the real effects which such interference commonly produces, or might produce if judiciously directed.

Now if rent followed in all countries one constant unvarying law of origin and increase, as has been assumed by Mr. Ricardo and his followers, and if the different degrees of fertility in land furnished an exact standard of its value in different countries, it is not easy to see how the differing views which now prevail respecting the comparative advantages of agricultural and manufacturing industry could spring up. No nation seems to be backward in appreciating the advantages which it enjoys; and could these everywhere be explained by the same laws, it would not be easy to account for the conflicting views put forward, and the hostile policy between different states which has been founded upon them.

It is our firm belief that the laws of nature by which these phenomena are regulated are constant and universal, although their operation is much obscured by the wilful perverseness of mankind. We believe, further, that the task of the political economist is to trace out the principles thus obscured, but



not obliterated,—a task which is daily becoming more easy and pleasing, from the mass of information which is opened to his view. We therefore believe also that the time is fast approaching, if it be not already come, when relief from the immediate pressure of evils in the state must be sought by inquiring into their causes, according to principles that will be found to apply to all countries and to all ages, and that statesmen will be unable to treat the convictions arising from such inquiries with neglect.

It is melancholy to record that a work of such merit as Professor Jones's should be so seldom quoted, and that it should have so little influenced the financial operations and general legislation of the country, as must be confessed to be the fact. Had his complete and satisfactory refutation of the Ricardo doctrine, and his perspicuous development of the principle laid down by Adam Smith,—that the landlord's share increases with the increasing produce of the soil,—been studied and acted upon, even but a few years back, no one can deny that the results would have been most advantageous for the nation and for mankind.

The Ricardo theory contained three dangerous assertions, which are happily at the same time fallacies of the grossest tissue, and have been exposed as such by Professor Jones in the most triumphant manner. In refuting the first position, which declares the difference in the value of land to be measured solely by the varying quality of soils, this author evinces as much acumen and profoundness of judgement, as in his elucidation of the second assertion,—that the interest of the landlord is inseparable from that of the cultivator, and must rise and fall with his prosperity or misery,—he evinces benevolence of heart and comprehensive grasp of his subject. The proofs adduced on the third point, to show that a decline of the rate of profit is so far from indicating a decay in the prosperity of a nation, that it is a uniform accompaniment of nearly every advance in wealth and civilization, exhibit in like manner a logical precision in argument and a clear insight into history that are truly admirable.

We do not intend, on the present occasion, to follow Professor Jones's arguments further than to assume his having satisfactorily proved, that in the largest portion of the world

rents are paid according to very different standards from that set up by the Ricardo school. They are given in the shape of services and produce, and are very slightly modified by the variations in the quality of the soil. They stand, in fact, in the closest connexion with the political condition of every country; and satisfactory testimony to the truth of this assertion can as easily be drawn from Ireland as from Poland or Hungary.

The transition from the state of dependence, in which the peasant is constrained to take the land for his support on the terms prescribed by the landlord, to that of an open competition, under which the value of land is fixed by the general rate of profit current amongst the various occupations of the industrious classes, is one of very late introduction. The Ricardo school, which bases its whole theory upon the existence of such competition, has contributed to prevent its unreserved adoption in the British empire for at least half a century. We fully agree with Professor Jones in the able exposition that he has given of the effect of that delay, which has been to limit the amount (not the rate) of profit in other occupations by that gained in agricultural pursuits; whereas the profits of agriculture are capable of the same development as those of any other branch of industry, but can only augment according to the same principles, and in conjunction with the gain accruing from trade and from manufactures. Where these flourish most, rent (which of course includes building as well as agricultural rent) must be highest.

To separate town from country property in the general estimate of the value of land, is a common but serious error. The rate of building-rents is regulated by entirely different laws from those which govern the origin and progress of agricultural rents; and cases can easily be imagined, in which the rent drawn from Covent Garden market or theatre might be increased by circumstances that would occasion a momentary fall of farmers' rents in Bedfordshire. Such a decline would however be but transitory; for in a country governed on the principle of free and healthy competition, all profits must find their level, and the level will there be at the highest current rate of gain.

Where Professor Jones drops the inquiry into the nature



and progress of agricultural rents paid in money, the German political economist takes it up, bringing the practical skill of the farmer to aid the speculations of the theorist. At page 201, Professor Jones, speaking of Ricardo's assertion that every successive outlay of capital on agricultural improvements yields a continually decreasing remuneration to the party investing it, asks—

“As the national agriculture thus becomes, in the progress of ages, more complete and scientific, may not the increased labour and capital used be requited at least as amply as the smaller quantity before employed, under a more ignorant or indolent system? Must every additional ten bushels of corn *necessarily* be obtained by a larger comparative outlay? Is there really a law of nature which makes this result inevitable? Surely it is neither impossible nor improbable, that the earth, under an improving system of husbandry, may disclose powers of rewarding as bountifully the skilful and efficient industry bestowed upon her as she did the languid and ignorant operations of a less laborious cultivation.”

Nearly six years before these questions were put, the answer had been given in M. von Thünen's work; but the book not having been translated into English, our political economists were debarred access to it. It has, however, another claim on the English reader. It is the production of a competitor in the general market of grain, and in it the laws by which the growth of corn in the greatest part of Europe is regulated, are traced with the authority derived from experience. Such a contribution to our knowledge of the farming interests of the continent, at a moment when public attention is so strongly attracted to the probable amount of competition which an alteration in our laws would call up, cannot but excite the greatest interest.

The name of the lord of the estate of Tellow, in Mecklenburgh, is well known in England from Mr. Jacobs's ‘Reports to the House of Peers,’ to which much useful information was communicated by M. von Thünen. Nor could the reporter have easily made a more judicious selection in the source whence he drew his notions of continental farming; for to the experience of practice, M. von Thünen adds the calculating exactness of a mathematician, and the scientific, comprehensive views of a political economist of the first order.

The small volume in which M. von Thünen has published the deductions in political economy to which his experience



as a farmer furnished the premises, appeared in print in the same year with Mr. Jacobs's first report, that is to say in 1826. It is no small triumph to the author, although it is a startling fact for the political world at large, that it has been possible to give a second edition of this work sixteen years later, without the slightest addition or alteration. M. von Thünen's book bears testimony to the advantage of basing speculations in political economy upon actual experience, and of testing them by arithmetical calculations.

We consider it no small recommendation to the "Isolated State," that the scale of production and of prices which it presents to the English reader differs so much from what in our agriculture has long been regarded as a standard. These calculations, besides being designed to exemplify the process of agricultural computations by what Mr. Senior would call mental diagrams, carry with them no small weight, from the fact of their acquainting us with the state of things in a district which steam navigation and railroads will soon have brought within a few hours' voyage of the harbours of Leith, Hull and London. The low prices and the small return yielded by the land to the farmer must be regarded by the English reader as forming a link in the long but unbroken chain of causes and effects, a knowledge of which constitutes the experience of the agriculturist.

The same must be said of the calculations of the expense of carriage with which the work commences, and which have become familiar to the English public through Mr. Jacobs's report. The supposition that it would take a waggon with four horses two days to convey 24 cwt. of grain twenty-five miles to a market-town, is altogether of continental origin: it forms, however, an essential element in the calculations of nearly every country we trade with for grain. On its appearance in Mr. Jacobs's report it was thought to present so serious an obstacle to the transport of grain on the continent, as to render a very large exportation from the corn-growing districts of Europe impracticable. If a waggon loaded with one ton of grain has to carry 150 lbs. weight of provender when the journey is twenty-five miles, it is clear that with a journey of 375 miles the weight of provender required to feed the horses will amount to the full load of the waggon. Now

if the expenses of the men employed, added to the wear and tear, interest of money, tolls, etc., equal the value of the oats consumed, it becomes impossible to transport corn by land-carriage on roads of the kind found in Mecklenburgh for 187 English miles, supposing the grain to cost nothing at the place of its growth. According to the experience of M. von Thünen, the cartage from Tellow to market was somewhat more expensive, and the carriage of corn that had no value was impossible in Mecklenburgh beyond about 145 miles. It is evident how soon, at this rate, all profit on corn grown at a distance from a market-town must disappear, and hence the importance to the farmer of good means of communication and facilities for trade\*.

M. von Thünen gives the following table of the expense of carrying a load of grain in Mecklenburgh:—

“ For 1 German mile ( $4\frac{1}{2}$  English) 1.09 dollars.

5	...	...	...	5.33	...
10	...	...	...	10.4	...
20	...	...	...	19.8	...
30	...	...	...	28.2	...

The load of 2400 lbs. contains 31 scheffels. At a market price of one dollar per scheffel, or sixteen shillings per quarter, rye is valueless at thirty German miles (145 English) from the market, at twenty-four English or five German miles, the carriage amounts to nearly 20 per cent. on the gross return.”

Now although no corn-producing country between the Rhine and the Ural Mountains lies as far as 150 miles from some shipping point on the sea-coast, or navigable river whose current favours its transmission to the West of Europe, and thus the physical possibility of transporting corn cannot be denied, yet it is evident that when prices are low the small profits offered by the cultivation of cereales in the distant plains of Germany, Poland and Russia (to say nothing of America and the Levant), can bear but a very trifling deduction for carriage. The calculation given by M. von Thünen

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\* If Mr. Ricardo had considered this effect of distance in rendering produce dear, he would have found his theory reversed by it. The more productive the soils near a town which required no outlay for carriage, the greater would be the profit derived from them. The destruction of one market and the rise of another cause of course a corresponding change in the value of the land in the vicinity of each.



for Mecklenburgh amounts to 4*d.* per bushel for every twenty-four miles of carriage by land, and this tax is levied upon all the corn which that gentleman sends to market. When rye is worth 15*s.* 9*d.* per quarter (30 gros per Prussian scheffel) at Rostock, this charge forms a deduction of  $16\frac{2}{3}$  per cent. upon the gross produce of his grain. When wheat is worth 50 gros per scheffel (31*s.* per quarter) at any inland shipping place on a navigable river, the cost of land-carriage twenty-four miles to that spot at 4*d.* per bushel forms a deduction of 12 per cent. from the farmer's return. A distance of forty-eight English or ten German miles would therefore absorb 24 per cent. of the whole price of the wheat, and would consequently make the transport impracticable with profit.

If to the market price of 31*s.* for wheat at a navigable point we add (what is perhaps near the truth) 18*s.* per quarter for cost of transport to the sea, freight and charges, we have 49*s.* per quarter as a price which would leave scarcely any profit to the grower within the range of twenty-four miles from a shipping point; while at this price, the transport of corn, the produce of poor soils, for forty-eight miles by land-carriage, is, under the present circumstances of the continent, impracticable. With every advance of 4*d.* per bushel in our market price, we extend the district which can export by a radius of twenty-four miles from all navigable points. The reason why a rise in price has so direct and immediate an effect on the supplies is, that the greater part of the wheat bought for England is paid for in ready money by the merchant. The cost of carriage to market is advanced either by him or by the grower several months before the grain comes into consumption. If the demand be brisk, the cost of carriage is included in the higher price, and thus falls upon the merchant at the sea-port or his correspondent in England. If there be no demand, the corn must be sent to market at the cost and risk of the grower, who then feels the advance to be a heavy burthen.

M. von Thünen shows, in nearly every calculation he offers, the superior position of the farmer on a good soil, when other circumstances are at all favourable, to that of the corn-grower on unproductive land. This circumstance would of itself account for the early connexion which subsisted between the grain-importing countries of the West of Europe and the rich



plains of Russian Poland and of the Banat in Hungary. But it is worthy of attention that these parts of Europe form at present a remarkable exception to the difficult position of countries depending upon land-carriage. Mr. Jacobs tells us in his report that the grain shipped at Odessa is mostly conveyed thither from a great distance by land, and that this mode of transport is rendered practicable by a regulation which obliges the owners of land lying along the roads which lead to the city to leave a broad strip uncultivated on each side, which forms a natural pasture and furnishes grazing for the cattle.

The second exceptional case is that of the Banat, the communication between which district and the Adriatic sea is impeded by the Julian Alps, over which a road is carried for seventy English miles. Partly owing to the goodness of this road, and partly because return-freights can be had from the port of Fiume, we have found it practicable at a high market-price to draw supplies from this portion of the Austrian dominions. But although we must look forward to improvements in every part of the continent, and the first effect of a more extended commercial communication with England will be to facilitate such in the means of transport, yet, as we shall presently see, there is no reason to expect that they will cheapen foreign produce so much as to make it very formidable to the English grower.

The calculation given above, of the price at which foreign corn can be produced on a large scale with profit, is confirmed by the fact, that when the English averages are at 50*s.* per quarter little or no foreign corn is imported into England to be kept in bond on speculation. It is, however, asserted by some that a change in the views of mercantile men on this point would take place were a fixed duty established. At a later stage of our task we shall test the truth of this assumption more closely. Where so small a difference as 4*d.* per bushel is productive of so serious an effect upon the foreign corn trade, and consequently upon the price of corn in the English market, we shall find a minute detail of the system of farming, by which only such small profits are obtained, no uninteresting subject for investigation.

M. von Thünen, analysing the expenses of farming, shows

that they may be classed under three heads: such as are regulated by the extent of the fields; such as depend upon the weight of the crop; and local burthens, with other incidental expenses that are independent of the size of the farm. Ploughing, harrowing, sowing, draining, hedging and ditching cost the same whether the crop be a light or a heavy one. Carting home the corn, threshing and carrying out dung, are expenses that are regulated by the extent and nature of the crop. In many parts of Germany the soil is so poor that even good farmers cannot get from it more than ten bushels per acre for two bushels sown. On these lands the cost of the first-named set of operations is as great as if the crop were twenty bushels to the acre. The cost of the operations which depend on the extent of the crop of course only amounts to one-half, when ten bushels are harvested, of what it is when twenty bushels are got from the land. The author gives us, from his own experience, the cost of cultivating 534 acres in Mecklenburgh, according to the seven-years' course usual on good lands in that country. This course includes rye after fallow, barley, oats and three years of grazing on pastures laid down with clover and rye-grass. The price is assumed to be 39 gros per Prussian scheffel, or 20*s.* 2*d.* per imperial quarter.

The seed in this case costs 626 dollars, the cost of cultivation is 873 dollars, the cost of harvesting 765 dollars, and the incidental burthens and expenses 1350 dollars. The expenses thus amount to 3614, while the gross produce of the land is 5074 dollars, leaving a profit of 1460 dollars. The return is here supposed to be 10 bushels for 1 of seed.

If the return from the ground were but eight bushels for every one of seed the calculation would run as follows:—

The seed (unaltered) . . .	626 dollars.
The cost of cultivation . . .	873    "
The cost of harvesting . . .	612    "
The incidental expenses . . .	1080   "
	<hr/>
	3191 dollars.
Gross return from the land .	4059   "
	<hr/>
Profit .	868 dollars.



This calculation supposes the cost of cultivation to be the same for two farms of equal extent, whatever be the return. Now where the return does not exceed six grains for one sown, or twelve bushels to the acre when two bushels are sown, it is easy to see that little profit is left at the price quoted, to cover the cost of carriage to market, or to remunerate the grower for the employment of his time; consequently there can be no rent.

Low as this scale of soils, of prices and of profits may appear to the English reader, yet the figures quoted are not far from the mean that must be calculated upon in Germany. In March of the present year the average price of rye in the provinces of East and West Prussia was  $29\frac{2}{3}$  gros, or 25 per cent. less than the price assumed by our author as the basis of the calculation given above. The farmer's profit at this price disappears altogether, as M. von Thünen shows, upon soils yielding a return of but six grains to one of seed; consequently no large supply can be expected at such a price. The details into which the author enters, and in which one portion of the expenses is calculated in kind, while part only are supposed to be paid in money, are highly valuable.

Here then, one would think, must be the limit of corn cultivation. If the soil best adapted to the growth of rye, when treated in the most approved manner, yields nothing to its owner at a market price of 30 gros per scheffel, or 15*s.* 9*d.* per imperial quarter, according to all ordinary calculations, the earth must be left untilled. But in countries that own scarcely any capital but the soil, ingenuity is not quite baffled even at this strait.

The calculation given above of the limit found in a seven-years' course of husbandry,—which, for a soil yielding sixteen bushels per acre, leaves but a small sum to meet the charge of carriage to market,—assumes that certain expenses which depend upon the area tilled remain invariable. The expenses which depend on the weight of the crop diminish with a diminished return from the land. If therefore the land could be brought to produce, under a more economical system of tillage, a return equally great in proportion, then the saving effected in the cost of cultivation is so much profit, and the peasant and poorer landed proprietor have still that resource



left. That such is the case, is proved by the experience of the greater part of the continent.

In the simple seven-years' course mentioned above, the cost of laying down and sowing the meadow-land on that part of the ground which comes to be grazed in rotation, the ploughing up of the exhausted meadows and the clearing of the land to receive the winter corn, form items of expense which disappear in a three-course system of tillage, in which the arable land remains two years under the plough and the third year in fallow. The proportion of land allotted to pasture and meadow is in this case never broken up, and can be fixed at the most distant part of the farm. This is the course of husbandry general in all peasants' holdings from the Rhine eastward, and must be regarded as the utmost limit of regular cultivation.

Those who have not had an opportunity of following the mode of computation which since Thær's time has been adopted by German agriculturists, will find in the calculation given in proof of what we have here stated, a good illustration of the German method.

"The exhaustion of the soil caused by the growth of 1 scheffel of rye ( $1\frac{1}{2}$  bush.) is called one degree, and is indicated by  $1^{\circ}$ .

"The exhaustion caused by the same quantity of any other description of grain depends on the proportion subsisting between the nourishing properties of that kind of grain and rye, and I assume this proportion to be for

Wheat =  $1\frac{1}{2}^{\circ}$

Barley =  $\frac{1}{2}^{\circ}$

Oats =  $\frac{1}{3}^{\circ}$

"In a seven-years' course upon good first-class barley-ground, my experience at Tellow shows the following proportions between the crops in the rotation. When

the first year gives 100 scheffels of rye upon 1000 sq. roods (of 240 sq. ft.),  
 the second " 100 do. barley " "  
 the third " 120 do. oats " "  
 the fourth, fifth and sixth years furnish grazing for one cow that requires 17lbs. of hay (or the same proportion of grass) daily for every 270 roods (a rood 240 square feet).

"The seventh year furnishes the fifth part of the grazing found on the unexhausted pastures.

\* \* \* \* \*

"Assuming, with Thær, the factor 2.3 as that by which dry litter and fodder must be multiplied to calculate the produce of dung, a load of dung weighing 2000 lbs. =  $\frac{2000}{2.3} = 870$  lbs. of hay and straw; then

	lbs.	lbs.	
100 scheffels of rye yielding	$100 \times 190 = 19,000$	and $\frac{19,000}{870} = 21.8$	loads of dung.
100 scheffels of barley „	$100 \times 93 = 9300$	and $\frac{9300}{870} = 10.7$	„ „
120 scheffels of oats „	$120 \times 64\frac{1}{2} = 7740$	and $\frac{7740}{870} = 8.9$	„ „

“ From the number of cows grazed the produce of the pasture land may be estimated. A cow consumes in 140 days at 17 lbs. 2380 lbs. of hay or its equivalent in grass, which is produced by 270 roods (of 240 square feet each). On 1000 roods the produce is 8815 lbs. of hay, and the dung amounts to  $\frac{8815}{870} = 10.1$  loads.

“ The fallow has the double effect of stimulating the productive powers of the soil and of enriching the ground with the roots and leaves of the plants that grow upon it, and which are ploughed in, as well as with the dung of the cattle that graze on it. The grass on the fallow I have estimated as equivalent to one-fifth of the produce of pasture land, and the seed fallow, if turned up at Midsummer, as equal to one-third of pasture land.

“ If land is to preserve its productive powers, of course the quantity of dung that is thrown upon it must equal the exhaustion occasioned by the crops. Experience has shown that soils of different degrees of fertility require different proportions of manure, and that good land will produce the same crop with less dung than poor land requires.

“ M. de Wulffen has given the practical rule, that fertility must be regarded as the product of the two factors, the natural powers of the soil multiplied by the quantity of manure.”

For this reason calculations of the kind here given are strictly applicable only to the particular soil to which they are suited. Our author sets out with this declaration, but adds that the *principles* upon which his calculations are founded will be seen to apply to all soils and climates, and that farmers everywhere, by substituting the figures suggested by their experience for his, can use his formulæ with advantage.

We may cursorily remark on the subject of the relative fertility of soils, that the natural powers of the earth are here assumed to form but one factor of a product, of which the other factor is furnished by the art of man. Fertility is consequently not an absolute but a relative quality of the soil.

The premises stated in our last extract furnish materials for the following tabular comparison of a seven-years' course with the three-years' rotation, including one year of fallow.



*Seven-years' course on a farm of 7000 Mecklenburgh roods.*

	Yield in scheffels.	Ex- haustion.	State of the soil.	Loads of dung supplied.
Richness of soil at the beginning of the course .....	...	...	500°	
1 field rye 1000 roods .....	100	100°	400°	21·8
2 " barley 1000 " .....	100	75°	325°	10·7
3 " oats 1000 " .....	120	60°	265°	8·9
4 " } pasture 3000 " .....	...	...	...	30·3
5 " }	...	...	...	
6 " }	...	...	...	
7 " fallow 1000 " .....	...	...	...	2·
				73·7

" As in land of the quality of Tellow 1 load of dung may be assumed to produce  $3\frac{1}{2}$  scheffels of rye, the 73·7 loads of dung are equivalent to 235°·8, which, if added to 265°—the state of the soil after the oats—gives 500°·8 as the richness on the beginning of the next course.

*Three-years' course on a farm of 3000 Mecklenburgh roods.*

	Yield in scheffels.	Ex- haustion.	State of the soil.	Loads of dung supplied.
Richness of soil at the beginning of the course .....	...	...	500°	
1 field rye 1000 roods .....	100	100°	400°	21·8
1 " barley " " .....	100	75°	325°	10·7
1 " fallow " " .....	...	...	...	4·1
				36·6

" As 36·6 loads of dung are equal to 117°·2, this, added to 325°, the richness of the soil after the barley, shows 442°·2 as the condition of the ground for the next course. The land requires therefore an addition of 57·8° or eighteen loads of dung every year to keep it in heart, which must be supplied from permanent pastures or meadow land. Permanent common grazing land cannot be supposed to yield as much grass as land laid down in the rotation of crops. Instead of 270 roods as sufficient for a cow, we must here assume 405 roods, and instead of 10·1 loads for 1000 roods, we can only reckon upon  $6\frac{1}{2}$  loads of dung.

" If sheep are kept, half of their dung may be gained for the fallow by penning them upon it at night; 1000 roods give then  $6\frac{1}{2} \times \frac{1}{2} = 3\frac{1}{2}$  loads, and the extent of pasture land required is 5333 roods.

" In neither statement, however, is the hay required for the winter fodder of the cattle included, and for this both systems require permanent grass land.

" If the maximum of production in a soil be supposed to be ten grains for one of rye, this requires, as we have seen, a mean richness of 373°



in 1000 roods when the seven-years' course is adopted. Under this system a greater quantity of manure would only make the winter corn run into straw, which would destroy the profit. But in the seven-years' course the farmer makes no use of the marl and decayed vegetable substances with which nature has enriched his estate, or he must counteract their effect by sowing more, and thus he does not increase his vested capital in the soil.

"The improved rotation of crops allows of a profitable employment of a far higher mean richness of the soil; for with the more equal division of the manure through the different fields, a higher mean richness is required, if the rye is to bear in this system ten grains for one of seed, than is necessary in the seven-years' course. For another reason, the richness of the soil when rye is sown must be greater than in the seven-years' course, which is, that the fallow crop has in some degree weakened the *general richness of the soil*, as well as exhausted the *richness* in manure. If, therefore, for the first-named reason, the richness of the soil for rye after tares ought to be equal to 500°, the second reason shows that in order to obtain a return of ten grains to one, the richness ought to be 600°.

\* \* \* \* \*

*Richness of Soil and Produce in the Mecklenburgh seven-years' course.*

Richness in 1st field of } 10,000 square roods...	6,336°	Rye,	yielding 1056 scheffels.
Ditto 2nd ditto .....	5,280	Barley,	" 1056 "
Ditto 3rd ditto.....	4,488	Oats,	" 1267 "
Ditto 4th ditto.....	3,854	Pasture,	" 898 cwt. hay.
Ditto 5th ditto.....	4,145	Ditto,	" 898 "
Ditto 6th ditto.....	4,435	Ditto,	" 898 "
Ditto 7th ditto.....	4,726	Ditto,	" 180 "
Dung from the straw .....	1,552	Ditto,	" "

34,816° (mean richness on 10,000 roods 4975°).

*The Belgian improved Rotation of Crops.*

Richness in 1st field } of 10,000 roods ...	7,680°	Potatoes,	yielding 11,500 scheffels.
Ditto 2nd ditto ,.....	6,974	Rye,	" 1,056 "
	—	Turneps,	" 6,500 cwt.
Ditto 3rd ditto.....	7,650	Oats,	" 1,650 scheffels.
Ditto 4th ditto.....	6,910	Clover,	" 3,150 cwt. hay.
Ditto 5th ditto.....	7,349	Wheat,	" 1,056 scheffels.
	—	Turneps,	" 6,500 cwt.

36,563° (mean richness on 10,000 roods 7313°)."

Consequently, of 100,000 roods in the three-course system, only 36,000 roods could be used as arable, and 64,000 must remain in permanent pasture, on which there is no charge for tillage. In the seven-course system, of 100,000 roods 42,856 roods are under corn and 57,144 roods under productive pas-

ture, whose yield in the dairy, or in the shape of wool, hides, etc., must pay for the extra cost of seed and laying down, as well as the more expensive description of ploughing and harrowing which breaking up the extensive pasture requires. In the Belgian rotation of crops, 60,000 out of 100,000 roods can be kept under tillage.

It is scarcely possible to place the progress of cultivation in a stronger light, and we should like to see the principle of calculation adopted by the Mecklenburgh farmer, for his own satisfaction, and here presented to the notice of his countrymen, worked out in English figures and adapted to the variations which the nature of our climate and demand have caused our agriculturists to engraft upon the Belgian rotations. This, it will be remembered, M. von Thünen declares to be necessary for every country, and even for every farm, since his formulæ are only given in illustration of the method to be followed in all agricultural calculations.

To return to the calculations of M. von Thünen, which we regret we are obliged to abridge so much, let us follow him as he proceeds upwards in the scale of agricultural improvement. The gradual advance in production which he shows to be so mainly dependent upon the growth of the population, is strikingly illustrated by some calculations which his own experience suggests. As the increased cost of cultivation in the seven-years' course has to be compensated by a demand for kinds of produce that would repay no special care in the thinner state of the population, so the growth of potatoes and turneps as fallow and after-crops depends upon a still denser accumulation of inhabitants. Where such an accumulation has not taken place, as for instance in Mecklenburgh, it appears that the cultivation of the potato, at least upon a large scale, offers little profit to the grower. M. von Thünen says,—

“ My calculations respecting the profit upon and the cost of producing potatoes, show that a potato-field of 10,000 roods (53 acres), if the crop be used to feed cattle, only yields a net profit of  $25\frac{1}{2}$  dollars (£4), and that the dung obtained from this kind of food only exceeds the exhaustion of the ground by  $46\frac{1}{2}^{\circ}$ . Thus in regard to money-profit as well as to dung, potatoes must be looked upon by the farmer as an indifferent crop. The cultivation of potatoes however saves a great deal of the expensive part of the preparation of the land for seed after a fallow, which must be



ploughed for rye four times. The potato crop is on this account an important one for the farmer."

In countries circumstanced as Mecklenburgh is at present, therefore there seems to be no inducement to force land to produce more or other than the simplest crops, which suffice for the wants of the inhabitants. Belgium presents a different spectacle, where the potatoes are eaten by men as well as by cattle, and the increased production consequent upon a more refined system of farming finds a ready sale.

The advantage which the Belgian farmer derives, where he has sufficient inducement to grow potatoes, from using a portion of them to feed his cattle, is exemplified as follows:—

"The Belgian rotation of crops allows 60 per cent. of the area of a farm to be under corn, while the seven-years' rotation usual in Mecklenburgh admits only of the growth of corn upon 43 per cent. of the area if the land is to be kept in heart.

"The Belgians attain this result by sowing clover, as the crop that produces most dung, in soil equally rich with that destined to receive the winter crop; whereas the Mecklenburgh farmers lay their land down in clover after it has lost the greatest part of its strength, by taking off three corn crops.

"The Belgians do not graze their clover (which diminishes the weight of the crop by one-half, and reduces the dung produced by about one-third), but use all for stall-feeding. For these two reasons, 20 per cent. of the area of a farm used in the Belgian manner is equal to 43 per cent. of the same area under meadow, after the fashion of Mecklenburgh. They sow turneps on the stubble of the winter corn, which gives a second exhausting crop in the same year, but still one which yields a greater return in dung than it draws from the ground.

*Comparative statement of the costs of tillage in the Belgian and Mecklenburgh systems.*

	In Belgium.	In Mecklenburgh*.
1 scheffel of wheat .....	19 shillings $\frac{7}{10}$	
1 ditto of rye.....	18 " $\frac{7}{10}$	25 shillings $\frac{3}{10}$
1 ditto of barley .....	.....	15 " $\frac{1}{10}$
1 ditto of oats .....	13 " $\frac{4}{10}$	11 " $\frac{1}{10}$
1 ditto of potatoes.....	3 " $\frac{1}{10}$	
1 cwt. of clover.....	4 " $\frac{3}{10}$	
1 ditto of turneps .....	1 " $\frac{1}{10}$	0 " $\frac{7}{10}$
1 ditto grazed grass in hay.		

\* A dollar of Mecklenburgh has forty-eight shillings, worth about one penny each.



"This calculation supposes rye to be worth one dollar twelve gros per scheffel (21s. per quarter), and of course is only suited to this price.

"Hence the profit of the farmer, if he can grow potatoes upon his fallow, is evident; for in Belgium the cost of producing one scheffel of rye is but 18 $\frac{1}{2}$  shillings (1s. 6 $\frac{1}{2}$ d.), whereas in Mecklenburgh the cost is 25 $\frac{1}{2}$  shillings (2s. 2d.).

"The calculations already given of the cost of production under the Belgian system show that the cost is for

Oats, 13 $\frac{1}{2}$  shillings per scheffel,

Potatoes, 3 $\frac{1}{2}$  shillings per scheffel,

Clover hay, 4 $\frac{1}{2}$  shillings per cwt.

"My experience shows that one scheffel (1 $\frac{1}{2}$  bushel) of oats, including the straw gained with it for the use of dairy (and partially of draught) cattle is equivalent to 117 lbs. of clover hay, or to 2 $\frac{1}{2}$  scheffels of potatoes.

"The cost of 117 lbs. of clover hay =  $\frac{117}{100} \times 4\frac{1}{2}$  = 5 $\frac{1}{2}$  shillings.

"The cost of 2 $\frac{1}{2}$  scheffels of potatoes =  $2\frac{1}{2} \times 3\frac{1}{2}$  = 7 $\frac{1}{2}$  shillings.

"The cost of 1 scheffel of oats = 13 $\frac{1}{2}$  shillings.

"The expense of feeding oats instead of hay or potatoes stands thus in the proportion of 100:58 for the latter, and of 100:40 for the former description of fodder."

At this stage of improvement another element assumes importance in the farmer's returns, which in the simpler state of husbandry attracted no attention—the value of butcher's meat. To such as are familiar with the writings of continental agriculturists, it is well known that fattening cattle yields no profit in the greater part of Germany, and that even the large towns would be without their present supplies if the occupation of our graziers was not there undertaken by the brewers and distillers. In the primitive three-course husbandry, when almost the only capital of the farmer consists in his land, he is well off in having as many head of cattle as will supply the manure he requires, and so many furnish his dairy produce and afford a small supply of meat. Even in the improved seven-years' course the cattle yield no profit, except in furnishing manure; and in the calculation given above, feeding is not introduced as a profitable item.

This opens to our view the reasons of the necessary gradual progress recorded in farming improvements.

The three-years' course, or simple seven-years' course, is the most profitable under a state of things, which occurs in every

country at some period, but which in England cannot now easily be traced. The time when farming improvements come to remunerate the farmer with capital is, when his calculation does not depend solely on the simple process of producing grain in an increased quantity. The increase in the population, which has caused this growing demand for grain, superinduces a demand for dairy produce, or for wool, hides and other objects, which assists in bearing the additional expense of the improved system of tillage. It is the pressure of increasing demand which urges the farmer to employ increased activity and skill, and the reward of the exertion more than compensates the outlay.

We must here too observe, that the adoption of the first improvement, which in Germany is that of the seven-years' course with grasses, in place of the primitive three-years' course with permanent common grazing, is not dependent on the relative fertility of soils, but is determined by the relative position of the farm to the market whence the increased demand proceeds. The calculation of the distance at which the improvement will be found to remunerate, must be based upon the experience of which the illustration is given a few pages back. But it is clear that the radius of the land which can export at a moderate profit, is extended by a better system of cultivation only on condition of a growing demand for dairy produce and other objects which help to bear the expense of the improvements. As the growing demand for these objects supposes an increase or an aggregation of urban population somewhere, which again supposes a greater consumption of corn, it does not appear that the price can fall much with the increased supply raised from the land.

We are thus inducted into the manner in which improvements in agriculture follow closely the growth of population and suit themselves to it. Instead of the increase in the population necessitating a rise in the price of food, the accumulation of consumers is the sole condition upon which an increased production of food becomes possible. Food under these circumstances not only continues cheap because it grows more abundant, but a greater variety is afforded, and the first step towards luxury is made when the danger of scarcity is averted.

We are at this point, too, made aware of another shape in



which distance presents itself as an important element in farming calculations, especially such as are carried on upon a large scale. The loss of time and labour occasioned by the distance of a field from the farm-yard is so much deducted from the profit, and, like the carriage to market, although occurring in minute sums, forms at length too serious a tax upon the farmer's income not to demand a careful study. M. von Thünen compares, not only the different value of two farms whose fields lie at different mean distances from the homestead, but also the profit yielded by fields differently placed upon the same farm; whence it naturally results, that on a very large estate it must occasionally be advantageous to have two different systems of farming carried on at the same time on the parts adjacent to, and lying at a certain distance from, the homestead: nay, the case is evidently possible of the best land being so situated as to require the lower description of cultivation, while a poorer soil will pay for the adoption of a more expensive system.

On the estate of Tellow, M. von Thünen finds that the cost of cultivation is increased 17 per cent. and the cost of harvesting 30 per cent. for every additional mean distance of 210 roods (1052 yards). On a net profit of 1187 dollars, arising from 70,000 roods (374 acres) cultivated under these circumstances, the loss, on account of the distance of the fields from the homestead, amounted to 233 dollars, or nearly 20 per cent. on the net return.

The author gives the following table, illustrating the effects of distance upon farms of various degrees of fertility, cultivated according to the Mecklenburgh system.

When the mean distance of fields from the homestead amounts to	On an estate of 70,000 roods or 374 acres, the profit is for a fertility of				
	20 bushels for 2 of seed.	18 bushels for 2 of seed.	16 bushels for 2 of seed.	14 bushels for 2 of seed.	12 bushels for 2 of seed.
	dol.	dol.	dol.	dol.	dol.
210 roods (1056 yards)	954	760	566	372	178
420 .....	721	545	369	193	17
443 .....	...	...	...	...	0
630 .....	488	330	172	14	
646 .....	...	...	...	0	
813 .....	...	...	0		
840 .....	255	115			
952 .....	...	0			
1050 .....	22				
1070 .....	0				



A number of very serious considerations connect themselves with this calculation.

In the first place, the size of farms, where agriculture is carried on upon an economical footing, evidently ceases to be a matter of arbitrary decision. The contraction and extension of the area tilled follow the inducements to invest capital on the land. Hence at different epochs of the history of a country, all limitations upon the transfer, or on changes in the divisions of landed property, may be found oppressive to the owners or to the cultivators alternately. Privileges such as prevail in many parts of Europe, and which limit the enjoyment of untaxed land to the class which is least likely to study the practical side of agriculture, interfere with production. Both these and entails form ultimately an oppressive burthen on the proprietors, when they prevent the introduction of the most economical mode of treating the land, consistent with the greatest possible return. Thus the mode which has been usually adopted to ensure the fortunes and the dignity of a family, may in many cases be shown both to have prevented some countries from rising in political weight, in the same proportion with neighbouring lands, and to have kept the individuals thus provided for from rising in importance amongst their countrymen.

But a still more important fact at the present moment, when so strong a disposition prevails to organize and to reduce tenures of land and even rent-charges to what bears the appearance of uniformity and simplicity, is the different effect produced by the imposition of a tax, or the alteration of an old burthen, upon lands in different situations. The equal re-partition even of a tithe commutation may bring ruin to one man, while it makes the fortune of another: nay, it must evidently affect the owner of a large estate in different proportions in the different parts of his possessions. The simple tax levied at a toll-bar evidently presses differently on the produce of every field that lies along the road upon which the bar is situated.

The increase of food produced by a highly improved rotation of crops allows of a great accumulation both of men and animals. The flesh of the latter becomes, under such circumstances, valuable for food, and assists in keeping down

X the price of corn. But the number of tame animals is likewise of the utmost importance in aiding the labour of man under the increased demand consequent upon a dense population. The horse and the ox help to simplify agricultural operations, and human labour is removed from the toilsome cultivation of the soil, to be applied to those more refined arts, which a growing population requires. In agriculture, as in every other branch of industry, the more the system followed loses its handicraft character and assumes that of manufacture, the more labour is set free for other employments. In all stages the hired labour of the husbandman stands in point of requital on the lowest level; but in proportion as machinery competes with the hand of man, the field labour of the latter must become almost valueless. This does not depend on the policy adopted by any particular country, but, like the size of estates and of farms, follows a law of nature, under the operation of which every land will come in its turn.

The systems of agriculture now in use in every part of the world bear the closest affinity with the density of the population. The trade that has arisen between different countries in agricultural produce is partly owing to the passion for variety prevalent amongst men, and partly to local advantages, by studying which the stock of products at the command of all is very much increased. Agriculture is like any other trade,—the inducements to pursue it, in preference to manufactures and to the fine arts, must be sought in advantages of soil and climate, in exactly the same manner as the manufacturer chooses his position according to the abundance and the quality of the stone, timber, metals, coals, or water power that he requires. In all well-managed countries there must be spots which it would be an absurd waste of power to cultivate.

From the process which agriculture, like other occupations, goes through, there is little use in calculating, as Mr. Ricardo recommends, on the exhaustion of soils. By a judicious system of manuring, the soil, as we have seen, is not only reinvigorated, but can be gradually raised in fertility; and there is no reason to suppose that the progress of science will confine our mode of treating it even to the systems now in use. The prospect of an exhaustion of soils, which Mr.



M'Culloch and other political economists of note assume, finds no place in M. von Thünen's calculations.

"It is common, in a comparison between two systems of husbandry, to consider as a cause of preference that one enriches, while the other exhausts the soil. The reason for preferring one of two systems, however, does not lie in their adding to or diminishing the fertility of the ground. The soil can as easily be exhausted under the primitive three-course system as with the seven-course, or with more improved rotations. If in the rotation of six crops with fallow cultivation, four crops of corn are taken, or if four exhausting crops are taken out under the seven-course, the soil will lose in heart. On the other hand, under the seven-course with three corn crops, and the six-course with two corn crops, the land will grow richer. The impoverishing or enriching of the land does not depend upon the number of crops in the rotation, but upon attention to a due proportion between crops which exhaust and those which add to the fertility of the soil.

"If two estates cultivated under different systems be compared, on one of which a rotation that enriches the soil is adopted, while a rotation that diminishes the powers of the soil is used on the other, the propriety of the system followed upon either depends upon three questions, which may be thus placed:—

"1. Is the object sought to be attained by the system adopted the maintaining of the ground in the same constant state of fertility? which system will allow of this with the greatest profit to the farmer?

"2. Is the purpose followed, the enriching of the soil even at the cost of a portion of the profit? which system is likely to attain the end proposed with the least sacrifice?

"3. Under what circumstances is it advantageous to add to the powers or to diminish the fertility of the soil, even at a sacrifice of profit; and which system is best suited to the end proposed?"

But although, if the natural development of science and of international intercourse be left unimpeded, there is little reason to fear but that the productiveness of soils will keep pace with the growth of population, and even outstrip it, yet it by no means follows that there are not local limits which prescribe to the farmer everywhere the share that is allotted to him.

A prominent criterion by which the course of husbandry to be followed is fixed, when the demand is great, is clearly the quality or natural power of the soil, with which, as we have seen, the artificial means of increment (manure) must be multiplied (instead of being added to it), to show by its product the fertility on which the farmer can calculate. Improved systems of cultivation therefore, which depend upon



an increased use of manure, must first be attempted on the best soils when the demand calls for them. If the natural fertility of two fields be in the proportion of 1 to 2, the produce under the same costs of cultivation, and with the same quantity of manure, will be in the same proportion. Now the profit drawn from two farms thus circumstanced is enormously disproportionate; and under these circumstances one man may be ruined, while another may make a fortune, though using exactly the same system of tillage.

X The truth of this serious consideration is unconsciously illustrated by our cautious author, who, as we see, confines his calculations of produce to what his experience on the soil of Mecklenburgh warrants. His highest assumed yield of 1056 scheffels of winter corn upon 10,000 square Mecklenburgh roods, is equivalent to twenty-nine bushels to the English acre, and we know that this return is far from the limit to which soils of fair quality in our climate attain. But soil of even this character is rare in Germany. Where such occurs, as in the marsh-lands along the German Ocean, and on the Oder or the Danube, it is often found to yield more in wool or butter for the London market than in grain. This is however a matter of price, and high prices either in England or abroad infallibly bring all these districts under wheat cultivation. In such thinly-peopled lands, however, the very circumstance which favours a highly improved rotation of crops in countries like Belgium or England, the necessity of keeping stock, operates in a contrary sense, owing to the worthlessness of grazing produce. The demand for meat is so limited, that in farming calculations on a large scale in most continental countries, the value of butcher's meat can scarcely be taken into account. Wool remunerates better, where care has been bestowed upon the breed of the sheep; but the immense advantage possessed by the English farmer in the high price of meat is sensibly felt by the agriculturists of the continent, and limits their powers of producing grain far more than is commonly supposed.

X The sale for meat and dairy produce therefore influences the choice which the farmer makes of his system of husbandry to so high a degree, that even in the growth of corn this encouragement to keep stock will often induce him to

adopt the most refined rotation of crops on the poorest soil. On the other hand, the most fertile soil, situated so as not to enjoy this advantage, must be cultivated on a simpler plan. This dependence of the farmer for profit, and of the landlord for rent, upon the value of a part of the produce that is totally unconnected with the fertility of the soil, is as fully felt in all parts of England, Scotland and Ireland as it is in Hungary and Podolia. What amount of duty would suffice to protect the English farmer, if Smithfield or Bristol market prices for meat could be transported to Temeswar or to Buenos Ayres, without a corresponding increase of the population of those districts to counteract the advantage? In what other parts of the world can farmers afford to pay the rents demanded in the Lothians and in the vicinity of our large towns?

In this manner nature has provided the intimate connexion that subsists between the interests of town and country. The reciprocal operation of the prosperity of the one upon the other is so clearly traceable, that the greatest benefit of which the farmer is susceptible can be shown to be the growth of towns in extent and opulence. The growth of a city acts in a twofold sense upon agriculture. While it affords a point of agglomeration for a consuming population, to a great extent dependent upon the farmer for supplies of the indispensable requisites for existence, the city forms a centre of attraction for the agricultural labourers who are induced to flock to it in search of employment when trade and manufactures are flourishing and can afford good wages to workmen. This tendency of trade and manufactures to absorb the hands that are not employed in husbandry facilitates the simplification of, and the introduction of a greater economy of labour into, every agricultural process, by which both farmers' and landlords' gains are very much increased. Here again we have a source of rent independent of the fertility of the soil; for in a country where advantages for manufacturing do not induce the people to withdraw from husbandry, either the processes followed must be less economical than in a manufacturing country, or field labour must be reduced to a minimum of remuneration, as is the case in Ireland.

On the value of meat for the shambles, M. von Thünen says nothing in his work, as it never enters into farming calcula-



tions on a large scale in Germany, and the chief profit even of brewers and distillers, who fatten on grains, lies in the manure procured from the animals.

Respecting butter, our author gives a set of very ingenious calculations, showing that butter being more easily transported than corn, the diminution of the farmer's profit occasioned by the cost of carriage is much less upon the former than upon the latter article. There must therefore always be a point at a distance from the centre of consumption, where butter becomes a much more profitable article of produce than corn, if there be but a sale for it. The reasons for preferring butter to corn strengthen in proportion to the distance from the centre. Hence, at the limit of corn cultivation for sale in the town, butter may yield considerable profit; but the existence of a market for this description of produce, without which butter made on a large scale would be useless, depends upon causes utterly independent both of the fertility of the soil and of the system of husbandry adopted. As milk, on the other hand, will not bear much carriage, it must be produced in the immediate vicinity of a town; and since corn grown at the same distance is more valuable than corn grown further off, the consumer must not be surprised to find fresh milk estimated at a much higher price than that milk which is converted into butter, and which only displaces corn of less value on a farm.

The demand for meat affects near and distant farms much in the same degree. The demand for dairy-produce operates differently at the two extremities, but in both cases increases the value of the land by giving a profitable market-value to the very article, the production of which enables the farmer to increase his production of grain.

As in the case of corn, the cost of land-carriage for butter is peculiar to the continent, and we find no continental country, remote from the sea, sending supplies of butter to London. For the reasons here given, it may be expected that Holland and Friesland will at all times export butter rather than corn.

The leading consideration for the farmer is therefore the extent of the demand for agrarian produce. If the demand be in his immediate vicinity, he has an advantage over his



more distant rivals both in saving the cost of transport and in the high value of grazing produce, which enables him to increase the production of grain to its utmost limit. M. von Thünen contrasts concisely, but forcibly, the different effects of scarcity in a rich and in a poor country.

"A deficient crop, and even a famine, in Norway produces no effect upon the price of corn in the rest of Europe, nor even in Norway itself; for the people are too poor to afford high prices. A moderate demand for corn in London, on the contrary, raises the prices throughout Europe, and *then* vessels hasten from every continental harbour loaded with grain for the market of the world."

We have seen how heavily the cost of transport presses on the farmer when he has to advance it. Hence the importance of the little word *then* in this quotation, which means "when the cost of carriage is advanced to the farmer abroad in addition to the value of his grain." At moderate prices in England, therefore, there is little reason to fear that foreign corn will be poured in, even if our duties were much reduced. When wheat averages fifty shillings per quarter, a duty of five would be quite as prohibitive as a duty of ten shillings. The lower duty might, however, incline foreign nations to take our manufactures, by which the farmer would be very much benefited. On the other hand, the necessity of raising the price considerably in England, in order to ensure a large exportation from the grain-growing countries when a scarcity prevails (which is proved by every page of M. von Thünen's work), shows the futility of the anticipation that a duty of eight shillings could be levied at such a period in England.

In the view taken of the origin of the profit from which rent is paid, we see that M. von Thünen differs from Ricardo and his followers, inasmuch as, instead of confining even the rent of farms to the measure afforded by the relative fertility of soils, the German author places before our eyes a number of causes which operate conjointly upon production and value. The market price depends upon circumstances over which the farmer has no control. The most advantageous system of cultivation depends upon the complex relation formed by the demand, united with the quality of the soil, the distance of the farm from the market and the size of the farm itself. Again, the intelligence of the farmer in turning all

these circumstances to the best account is of no less importance to the landlord than to himself. When, therefore, the five causes, which, combined with the powers of the soil, form the source of rent, are satisfactorily united, then indeed the product of the whole is much greater upon a rich than upon a poor soil. But any one of the combined causes, if acting in an adverse tendency, may not only annul the advantage presented by a good soil, but those offered by a favourable combination of the other four causes.

X But M. von Thünen does not confine his considerations to the simpler processes of husbandry. He places another source of profit under the view of his readers, although from his position as a Mecklenburgh landlord it could by no means form as striking a feature in his own calculations, as it assumes in countries possessing cities of enormous magnitude and overpowering wealth. The immediate vicinity of a town, he remarks, is liberated from the necessity of adhering to any fixed rotation of crops, in consequence of the facility for buying manure in the town. The cultivation carried on in such a situation he terms "unrestricted husbandry," as it can follow the demand for the most profitable description of produce without limitation. Such land is, however, most advantageously used for vegetable and flower gardens, and the great value of these is the chief obstacle encountered by the milkman, who is also obliged to locate himself in the vicinity of the town. Of course the rent of land in the district used for gardens and dairies bears no proportion to that paid even at a slight distance further off, and is quite independent of all relative fertility of soil. The extension of the circle of garden ground is therefore one of the best means that can be adopted for improving both the profits of the farmer and the rent of the landlord.

X The growth of population, on which the size of the town depends, is favoured by a moderate price of provisions; there would therefore seem to be some conflict of interests between the gardener and the farmer. This conflict, however, is more apparent than real; for a compensation is afforded to the farmer even at a considerable distance from the centre of consumption, by the rise occasioned in the value of meat and dairy produce, of far greater importance than the price of



corn alone could ever procure him. Could trade and manufactures be encouraged so much as to double the number of towns now in England, or to double the size of those now existing, the result would be in a high degree advantageous both to landlords and farmers; although, in order to keep the necessaries of life at a moderate price, it should be necessary to encourage the freest supply of foreign corn. The improvement in the price of meat, of dairy and of garden produce, would in a great measure be confined to England, and the corn required in increased quantity, like wool, cotton, flax, hemp and silk, would be purchased at reasonable rates by a rich and thriving set of manufacturers and traders, who would require more dainties in proportion as the objects of first necessity were rendered cheap.

We have likened the farmer on a large scale to the manufacturer, and have shown that both are under the necessity of obeying the law of nature, which, with the growth of competition, compels them to resort to the aid first of cattle and then of machinery, in order to employ as little human labour as possible. Some time since it would have occasioned a serious outcry if this notion had been publicly advocated. The experience of manufacturers has shown that the application of human labour to more refined processes, instead of creating a want of occupation for the labouring classes, only makes fields accessible to them that before were closed.

Agriculture has thus its side of refined employment, to which it is impossible that much attention can be paid as long as there is any scarcity of the ordinary descriptions of food. Gardening carried to a high pitch of refinement may almost be ranked amongst the fine arts, and as such is secure from the competition of machinery. Here the human hand must excel, and there are few who will dispute that it is desirable to see men employed in occupations that occasion so little fatigue, while they open so unbounded a scope for the exercise of ingenuity. But gardening, which, like other refined systems of tillage, yields the highest rent to the landlord, depends upon the flourishing condition of what we have called the consuming population. The larger the town and the more industrious and thriving its inhabitants, the better the chances stand for the gardener. The cheaper the ordinary necessities



of life are, the more the consumer will have to spend in luxuries. Gardening moreover comes to the landowner's aid in another way: many soils that are too little favoured by nature for the growth of grain, may make excellent gardens. Such are sandy and moor tracts, which advance, when used as gardens, from being of no value, to a price that exceeds the ordinary purchase-money of good arable land in the same neighbourhood. Thus the sandy and poor soils near Haarlaem in Holland have been brought to yield enormous rents to their owners, which the growth of corn or food of any kind could never have afforded. In the same manner it may be confidently expected that many uncultivated spots in England, which for that reason have been chosen as sites for railroads, will be raised in value for the landlords.

The plan of the little volume in which M. von Thünen has recorded his experience as a farmer and his convictions as a political economist, is calculated to exemplify forcibly the application of the principles which he lays down in a simple manner. The author supposes a state without foreign trade, the capital of which lies in the centre of the country and is accessible only by land-carriage. The effect of the cost of transport on the value of the corn grown at different distances from the capital is first calculated, and the influence which the market-price has upon the systems of husbandry, that are found profitable at certain distances, is demonstrated. The various systems of husbandry, such as gardening, improved rotations of crops, and simpler courses of tillage, pasture and forest cultivation, have each their limits so precisely assigned, that they can be mapped, and are in M. von Thünen's work marked down in a coloured diagram. A second plate represents the same system modified by the passage of a navigable river, canal or road, traversing the state and passing through the capital, and which, by lessening the cost of carriage, changes many farming calculations essentially. In this plate the increase in the value of land by multiplying the centres of consumption is likewise illustrated.

Here we arrive at that portion of the inquiry respecting rents which has been worked out by the author of the third treatise named at the head of our article. Nobody will dispute the fact that building and garden rents at least must be

exempted from the Ricardo theory, which seeks the origin of all rents in the relative fertility of soils. It is therefore of no small importance to have a rule laid down by which the growth of this description of rents can be traced, and the relative value of building ground, and of the land under high cultivation, depending upon the growth of an urban population, can be ascertained. The following observations collected during a tour in Belgium are given in the Fourth Letter to Sir R. Peel as the basis on which such calculation ought to be founded.

"In order to test the theory here advanced practically, I made careful inquiries on a recent tour through Belgium, the results of which will serve more fully to explain my meaning.

"I found that the average of rents for arable land, without including interest and profits on improvements, was, in the level country between Brussels, Louvain and Antwerp, 100 francs per hectare yearly. It requires considerable outlay in digging channels for irrigation to convert arable land into meadows, of which however the produce is proportionably more valuable. Land whose situation is favourable for meadows is therefore let at a higher rent. On approaching the towns you come to dairy farms, which sell their milk to the inhabitants. Near Brussels I visited one, the farmer on which I heard was making money, although paying 200 francs per hectare yearly, or double the rent at which corn would remunerate the grower at the same distance. With the farms of this description I found that the common vegetable growers could compete. Gardens of this description surrounded the farm and lined the road that led to the city gate. Land let at 100 francs per annum may be estimated as worth rather more purchase-money than 2000 francs per hectare; at a rent of 200 francs its value as capital is perhaps 4500 francs per hectare. Near the commencement of the suburbs I found a flower and pine-apple gardener whose small territory was half covered with glass. He told me he had purchased the spot at the rate of half a franc per square foot, and had made a great deal of money upon it. This was a purchase-money of 45,000 francs per hectare. He added however that he did not expect to remain there long, in consequence of the additions that were making to the suburbs, and that he had a prospect of selling his premises at two francs per foot, or 185,000 francs per hectare, which was the price of building-land in that suburb. He then intended to remove to a distance where he could again find land to purchase at about half a franc per foot. I afterwards ascertained that building-land had been sold for speculation recently, within the city, at three francs per foot, or 270,000 francs per hectare. Some, I believe, has been sold as high as five francs per foot.

"Now here we have a scale ascending, not in a mere arithmetical proportion, as that would which owed its increase to the possibility of growing corn on inferior and more distant soils, but in a geometrically increasing proportion, the measure of which is solely the prosperity or decline of



wealth in the city and its environs. The rent is clearly only connected with the cost of producing the first necessities of life, inasmuch as their price influences the accumulation of population and of capital in the city."

The author apologises for the necessity of seeking in a foreign country the illustration of one supposition that must arise from his calculation. This supposition is the probable existence in some countries of a balance between the value of the rents derived from building, together with the dairy and garden cultivation depending upon it, and the agricultural rent drawn from the rest of the land. The existence of such an equality between town and country rents can of course only be tested satisfactorily in countries where accurate statistical returns have been collected. Such returns are found in places where the system of direct taxation obliges the owners of land and houses to register their property with exactness. In Belgium it would seem that the balance is very even.

"The want of statistical details respecting the value and distribution of land in England renders it impossible to form any estimate of the quantity of land which pays high rents from being applied to a highly improved description of cultivation. In Belgium the details of the cultivation of the land have been published, and admit of (certainly a very rough) estimate of the agricultural condition of the country. In the report to the king, denominated the 'Statistique territoriale,' I find that in seven provinces

The arable land covered...1,267,354 hectares.

Pasture land ..... 97,082

Commons ..... 48,254

Woods..... 379,951

1,792,642

"If the agricultural rent upon this land be valued at 100 francs per hectare, it would amount to 179,264,200 francs.

"The area of land devoted to highly improved cultivation was—

	Hectares.	Francs.
Meadows, parks, gardens, orchards, } hop-grounds, etc. ....	234,384	at 200... 46,876,800
Vegetable-grounds, nurseries, vine- } yards, etc. ....	37,791	at 250... 8,777,750
Houses, offices, court-yards, docks, } quays, coal-mines, etc. ....	20,518	at 6000...123,108,000
Streets, market-places, etc. occupy ...	821	
	295,514	178,734,550 "

Here we have a rent of 178,734,550 francs derived from an area of only 295,514 hectares, or about one sixth of the area



cultivated in Belgium. The rest of the kingdom only produces a rental of 179,264,200 francs. Two important consequences result from this inquiry as far as Belgium is concerned. Not only would it be a most impolitic step for the government to enact any law by which the interests of the holders of town lands should be sacrificed to the supposed advantage of the growers of raw produce, but the most rapid means of improving the value of land generally is here shown to be by fostering the cities and causing them to multiply and extend. According to the proportions now found between the land occupied by buildings and that which is dependent upon the spread of towns for its improved cultivation, it seems that one hectare of building land requires four hectares of gardens and twenty-four hectares of meadows as an accompaniment. The improved rental caused in this way upon twenty-nine hectares, of which only one is used as building land, amounts to 8,900 francs, a sum which could only be raised in the shape of agricultural rents if corn rose to *four times* its present value.

"Let us see what effect an extension of building has under these circumstances. In the proportion now existing it seems that one hectare of land appropriated to building houses would cause twenty-eight hectares of common and arable land to be converted into dairy and garden farms; the improvement would consequently be—

	Francs.
1 hectare building-land..... at 6000 francs	6000
24 of meadow, orchard and pleasure grounds at 200	4800
4 of gardens ..... at 250	1000
	<hr/>
	11,800
Deduct 29 hectares at 100 francs.....	2,900
	<hr/>
Improvement on rental of 29 hectares.....	8,900

"This improved rental would of course only be obtained by means of crops of corn when the market price should rise to more than four times its present average value, a rise that no nation under any conceivable circumstances could support, while the improvement through building and gardening is a perfectly feasible one."

From this view of rent it appears easy to go a step further, and to assert that, if the sole condition of the spread of building were a diminution of the agricultural rents to a moderate extent, yet the nation would gain on the whole more by adopting such a line of policy than a contrary one. From what has

been so clearly demonstrated by M. von Thünen, regarding the necessary progress of farming improvements and the advantage which the farmer at home in an importing country always enjoys over his competitors abroad, it is evident that even an unlimited admission of foreign corn at cheap prices would bring no loss to the farmer in Belgium if it favoured the accumulation of a population that would pay for his dairy produce, meat and fallow crops. The prosperity of the towns or of the consuming population is therefore, under all circumstances, that which the landowner ought to have most at heart. Their prosperity draws off a number of hands that would otherwise share and reduce his profits, and affords him the highest prices for his produce that can be obtained.

A considerable portion of these 'Letters' is devoted to the refutation of the manner in which Colonel Torrens, in his essay on the external corn trade, has carried out the Ricardo principles with regard to rent. Colonel Jones too supposes a continual decrease of national prosperity to be inseparable from the growth of rent. According to the gallant Colonel, the spread of high cultivation is induced, not by the growing prosperity of manufactures and of towns as the author of the 'Letters' states, but by the necessity for those who are losing in trade to fall back upon agriculture. According to this assumption, the cultivation of the worst soils in every country is made to depend upon the reduction in the rate of manufacturing profits to the profit which such soils would yield. No allowance is here made for the elasticity of cultivation which the growth of population induces, or for the variety of productions which the land can be made to yield; but Colonel Torrens assumes an invariable, which of course means a rude, system of cultivation,—one which is not gradually simplified as labour rises in demand, and which does not grow more productive as the consuming population increases.

These two writers therefore evidently stand upon ground as different as that which we have shown Mr. Ricardo on the one hand, and Professor Jones and Von Thünen on the other to occupy. The author of the 'Letters' seeks for a beneficial reaction upon the land in consequence of the growth of population and wealth in the cities. Nor is it easy to account on other grounds for the relative value of land increasing in so



rapid a ratio as he found to be the case in Belgium. If, as Colonel Torrens assumes, capital only returns to agriculture when trade ceases to be productive, would the increase in the value of land which the growth of the city induces be as great as we find it? Assuredly not; and moreover if land followed such an impulse, it must, like trade, continually decrease in value, and be worth less from year to year. Now it is needless to say that the experience of no country in Europe confirms this view; but least of all do we find it to be the case in such lands as possess a flourishing trade and manufactures, or in such agrarian countries as allow unrestricted intercourse with those in which trade is thriving.

Whether in England the rents of towns and their dependent environs equal the income derived from agricultural rents, it is of course impossible to say, as long as we are so remarkably ignorant with respect to our own condition, as we are contented to be. The presumption is, that the agricultural rents are already outstripped by the others, because under other circumstances it is difficult to conceive how two-thirds (at least) of the population are supported by other than agricultural occupations. As it is clearly the interest of the farmer, no less than of the citizen, to see the disproportion between the producing and consuming classes (as far as farming produce is concerned) increase, we may hope that such presumed inequality in the rents will be hailed, when ascertained really to exist, as indicating a truly flourishing state of the country. Impressed with this conviction, all classes will find it advantageous to augment production in every possible manner, in defiance of Messrs. Ricardo's and M'Culloch's sinister prognostications, and to cultivate by all the means in their power the arts by which it is promoted.



## ARTICLE III.

*State of Historical Science in France.*

1. *Récits des Temps Mérovingiens. Précédés de Considérations sur l'Histoire de France.* Par AUGUSTIN THIERRY. 2<sup>ème</sup> Edition, 2 vols. Paris, 1842.
2. HEGEL: *Philosophie der Geschichte.* Herausgegeben von Dr. E. GANS. *Zweite Auflage.* Berlin, 1840.
3. VICO: *Scienza Nuova.* Traduction de MICHELET. Bruxelles, 1840.
4. *Œuvres Complètes de MICHELET.* Paris.
5. *Cours d'Histoire Moderne de M. GUIZOT.* Bruxelles, 1838.

THE admirable work of M. Augustin Thierry, the second edition of which heads this article, has strongly impressed us with the necessity of examining the present state of historical science. It is a subject of vast importance or of wearisome frivolity, according to the view taken of the historic function; and as the former is the opinion we maintain, we shall spare no pains to set it in its true light. Perhaps there was never so great an historical tendency in European thought as is manifested in the present century; and seldom has the world seen such historians as those who have made this tendency illustrious. For many reasons, needless here to be explained, we shall confine ourselves principally to France, which may be taken as the centre of European speculation; our remarks will however apply also to other countries.

Looking at French thought, with a view of detecting its tendency, we everywhere find it either based upon, or inclining to, history. Philosophy, divided into so many schools, has the one pretension, in common to them all, of proving itself by the attestation of history. As with philosophy, so with art: the resuscitation of the past is the incessant endeavour of both classic and romantic writers. The delineation of the life of the middle ages, even to the minutest details of costume, is the problem which all artists set themselves to solve. Those who are without the necessary knowledge, affect it.

Where lies the cause of this tendency? It lies we believe

in the spirit of the age,—“an age destitute of faith, yet terrified at scepticism,”—an age of universal anarchy of thought, with strong desire for organization;—an age, succeeding one of destruction, anxious to reconstruct,—anxious, but as yet impotent. The desire of belief is strong; convictions are wanting: there is neither spiritual nor moral union. In this plight we may hope for the future, but can *cling* only to the past: that alone is secure, well-grounded. The past must form the basis of certainty and the materials for speculation. This fact is very distinctly visible in the numerous endeavours to construct new philosophies and new *christianities* in France at the present time; all of them found their arguments on the results of historical philosophy; all proclaim the verification by history as conclusive.

This conviction of the importance of history is a product of our age. For the first time a mission is assigned to the study of the past, worthy of fulfilment: this mission is, to exhibit the evolution of humanity, and to form thereby a social science. The very conception of a social science, whereby political measures will be no longer experimental expediences, but calculations founded upon ascertained laws, is of yesterday. True it is that history has always claimed for itself the office of “philosophy teaching by example,”—of furnishing us with “rules of conduct,” and with “experiences of the past to be applied to the exigences of the present;” but these have been mere figures of speech, and as destitute of any real importance as the claims of astronomy before the time of Galileo. The philosophy of history was not even suspected, much less organized; and without this philosophy, all experiences and examples are as useless as are the isolated observations of phænomena unaided by a scientific theory. We want no more striking illustration of the barrenness of this “philosophy teaching by example,” than is afforded by the dangerous and ridiculous imitations of the ancient republics at the time of the French Revolution: forms of constitution which grew up out of a state of things entirely and essentially different were attempted to be revived, as if France in the eighteenth century had been their natural soil. History has never been able to fulfil its pompous promises, because it has never been a science. It has assumed every shape but that of science: it has as-



sumed that of a poetic narrative, a droning chronicle, a philosophic dissertation, a chaos of erudition, a party-pamphlet and a literary *dilettante* exhibition of style and information—never of a science. It has not been suspected till recently to be capable of scientific organization, except by a few solitary thinkers, such as Vico, Herder, etc.

We have said that a strong conviction of the importance of history has taken possession of European speculation; with this conviction there necessarily sprang up another, which proclaimed that the old methods of writing history were false and impotent. As formerly written, nothing could be more barren with reference to social science. Popes, kings and emperors—courts, camps and dungeons—these have filled the “swelling scene” to the exclusion of all that was important, vital—all that produced *them* and much else. Battles, conspiracies, dethronements, decapitations, treaties and extortions were deemed the great events, the staple of historic interest; and on them the writer spun his dissertations upon moral right and immoral wrong, on despotism, liberty and “flourishing civilization.” The men of the past were judged according to the standards and ethics of the present; their acts were measured according to some abstract standard, and on this Procrustes bed received their degradation or applause. Whereas, if history tells one thing more plainly, more universally than another, it is that the ethical and ideal standards both of act and character *vary* with the revolving years; that the heroism of yesterday becomes the brutality of today; and the deed so necessary at one time as to be even virtuous, is at another superfluously vicious. But the historians of whom we speak, including even Hume, Robertson and Gibbon, had no conception of this—nor of much else, more important still. They wrote books which were more or less amusing and instructive—monuments of erudite industry, but not history—not the story of the life, growth and development of a nation, its characteristics, its greatness, its errors, and above all its connexion with the preceding and succeeding states of humanity. Moreover in the very province of erudition, where these writers were strongest, there was a great deficiency of critical acumen; the authorities were diligently sought after and cited, but seldom *criticised*; seldom



was the authority sifted, as we see in later writers. It is notorious among modern scholars that chronicles falsify, sometimes unwittingly, sometimes knowingly; that the public acts are equally to be suspected; that archives are to be confronted with facts and authorities; in a word, that every species of authority has to undergo a rigorous trial. We find little of this in the old historians. But, granting that the erudition was complete, and that the exactitude of facts and dates was irreproachable, how little could that avail where the great exactitudes of science and art were wanting! Of what significance were the scrupulously collected bricks, when the foundation was of sand? Let us not be understood as depreciating erudition and exactness; these are the materials wherewith to build, but they are not the house.

"The research and discussion of facts," says Thierry, "purely with a view to exactness, is but one side of every historical problem; and that accomplished, it becomes necessary to interpret and to paint;—to detect the law which chains one fact to another; to give events their significance and character—in a word, their life, which should never be absent from the spectacle of human things . . . . ."

"History gives lessons, and in turn receives them: its master is experience, which teaches it from epoch to epoch to judge itself better. The events of the last fifty years—events hitherto unheard of—have taught us to understand the revolutions of the middle ages, to perceive the spirit beneath the letter of the chronicler, to draw from the writings of the Benedictines that which those learned men never saw, or saw only in a partial incomplete manner without suspecting its significance. They wanted the comprehension and sentiment of great social transformations. They have curiously studied the laws, public acts, judicial formulæ, private contracts, etc.; they have discussed, classified, analysed texts with astonishing sagacity; but the political sense—all that was living beneath that dead letter—the perception of the society and its adverse elements, whether young or old, whether barbarian or civilized, escapes them; and hence the insufficiency of their works. This perception we have acquired through our experience; we owe it to the prodigious changes of power and of society which have operated before our eyes."

But if the old methods of historical study were imperfect, are then the new complete?—No. We are in a transition-state at present: we have discovered that our predecessors were wrong, but have not ourselves discovered the whole truth. We know that they were without the proper conception of history, and without the materials for rightly studying it; the

former we have attained, for the latter we still wait. It is now generally felt that a philosophy of history is possible and necessary; there is consequently a desire, urgent, restless and deep-seated, to organize this philosophy; but little has been done towards its organization. Disgusted perhaps with the futile attempts which have been made, many readers will doubtless deny both the possibility and necessity of this philosophy of history; they will recur to the old methods with fondness, and repose on the old errors in peace. Be it our endeavour here first to state the possibility and necessity of the science, and then to examine the attempts hitherto made towards its organization.

History is the study of the past: it is the story of the life and growth of nations. The student therefore, who desires to realize that past so as to view it in its true colours, has this problem to solve: he must *understand* it, and he must *picture* it,—the science and art of history. “Toute période historique,” as George Sand finely says, “a deux faces: l’une ‘assez pauvre, assez ridicule, ou assez malheureuse, qui est tournée vers le calendrier du temps; l’autre grande, efficace, et sérieuse, qui regarde celui de l’éternité.’” Both these aspects must the student view, or he will understand neither. Thus in the rise of the Communes, in the celebrated *la Jacquerie*,—peasants slaying their seigneurs and then parading in the rich dresses they had torn from their victims,—the lover of “facts,” or the artistic historian, will find a more or less interesting narrative; but the philosophic student will see beneath the fantastic outburst a deep-seated cause which produced much more than a mere insurrection. So the resistance of the feudal barons to the encroachments of the church seems but a proud, stiff-necked resistance, springing mostly from ignoble motives and petty pride. In this the ordinary student sees nothing but a purely personal, individual resistance—an aristocratic pride, remembering that the priest was always subordinate to the seigneur in the feudal territory, and too self-interested and haughty to concede any superiority, real or fancied. Yet in this the philosopher recognizes an instance of the principle which runs through all history—the influence of men’s interests and passions on great events and great ideas. Viewed in itself, the pride of the feudal baron is



little enough ; viewed historically it has immense significance : it was the barrier that opposed the universal domination of the church. The mass of the people were entirely subjugated by the church ; the kings could hardly defend themselves ; the feudal nobility alone refused to accept the yoke,—alone resisted and successfully\*. Thus the writer of history has clearly to understand the spirit of the age, and to picture the bodily realization of it : he has a double task, one of pure science, the other of art, and both indispensable.

That the past is but faintly understood even by the best writers, will scarcely be disputed. Can it be better understood ? and how ? These questions spring up at once, demanding immediate answer. We believe it *can* be better understood, because we believe a science of history not only possible, but now in the course of organization. It seems to us that history is quite as likely to become an exact science as geology : if it be more complex, it is also richer in means. The events, the feelings, the ideas of the past cannot be recalled, but they lie recorded in the world's history, subject to incessant study. Much, no doubt, has perished which we would gladly know ; but the skeleton remains, and it is for our historical Cuviers to restore the flesh and sinew. The facts that lie recorded are numerous, almost too numerous for classification : they demand a patient investigation, and then a philosophy capable of assigning to each its due significance.

When a man pretends to cure a disease upon principles not grounded on a thorough knowledge of anatomy and physiology, to say nothing of pathology, we pronounce him a quack. He may by accident be right ; his remedy may be good in this particular instance ; but he is nevertheless a quack, acting, not according to a knowledge of general laws, but according to fanciful theories or guesses : he is in no way to be trusted. So also a man who pretends to explain the past, without a competent knowledge of the general laws which regulate the evolution of society, and a particular knowledge of the period in question, is not to be trusted. It is all guess-work—an approximation to the truth, at the best. And when he pretends to apply such knowledge to the exigences of the present,

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\* Compare Guizot, *Civilisation en Europe*, 10<sup>ème</sup> leçon.

then he becomes a political quack. Neither medicine nor history are to be practised by guess without fatal consequences. Both have been so practised, we know; but the art of medicine has at last become amenable to the laws of organization; and we trust the day is not far distant when the art of history will be thoroughly dependent on the laws of social development. Not until this is the case can the past be understood: it is to the discovery of these laws therefore that attention should be drawn.

Giambatista Vico has the honour of first proclaiming that a science of history was possible. No one had previously suspected that the evolutions of humanity, the rise and fall of nations, were regulated by eternal *laws*, cognizable by man. Bossuet had indeed produced that model of theological generalization, the '*Discours sur l'Histoire Universelle*;' but Bossuet wrote with a theological, not a scientific aim. He recognizes no *laws* as regulating social phenomena, like the physical laws which regulate material phenomena—recognizes no development of humanity as the flowering of seeds long sown in the remotest past—recognizes no means whereby the intellect of man can from the past predict the future. It is God's world, and Bossuet sees in it only the perpetual presence of a vigilant Providence. It is his object to "justify the ways of God to man."

The stride taken by Vico is immense: it is a stride from the purely theological to the purely scientific aim. Vico insists on the "*leggi eterne*:" he also recognizes the truth, that history is the manifestation of God's will on earth; but he calls it a "*civil theology*"; acknowledging that it is the succession of the *decrees* of Providence, whereby the human development has taken place, he declares those decrees to be eternal—to be *laws* in fact. This is not a mere difference of naming; it is an essential difference. Laws may be decrees, but if those decrees are eternal, they are subject to scientific investigation and classification. The difference between Bossuet and Vico is this: the "*decrees*" of the one operate on humanity from *without*, they can neither be foreseen nor modified; the "*leggi eterne*" of the other operate from *within* humanity, are products of the human social nature, and are to be foreseen and modified, as the laws of physics may be.



Vico's merits are immense if viewed in reference to the state of opinion in his day, and have had unquestionably great influence on his successors. He anticipated the scepticism of Wolff and Niebuhr: he applied philology in a new and often important manner: he detected many symbols in words, ceremonies and events which had become buried beneath the literal sense: he pointed out the tendency of nations, when in their infancy, to accumulate a number of facts under one type, transforming myths into individuals and cycles into days, so that Lycurgus, Hercules and Homer became the idealized representations of centuries of progressive legislation, heroism and poetry.

But the *Scienza Nuova* will not bear close investigation: it is often fanciful and trivial: it shows a wilful straining of facts in their application, and an extreme obliviousness of all facts which throw doubt upon the opinions endeavoured to be established. It abounds in the most questionable *axioms*: as that men first lived on mountains, next on plains and lastly on the banks of rivers and seas. Vico saw that history was the product of eternal laws operating from within humanity: what those laws were, he failed to see.

The next great attempt was Herder's 'Ideas towards a Philosophy of History.' There is wisdom in the very title. Herder saw distinctly enough that so vast a science as that of history was not to emanate from a single mind; that it could not be the production of one generation,—not even of a century. "My book will show," he says in the preface, "that in the present state of our knowledge no complete system of the philosophy of history can be elaborated. It may perhaps be done in a hundred years, or in a thousand." Well had it been if Herder's successors had been equally modest, and contented themselves with furnishing materials instead of promulgating systems. The fundamental *fact* of human development must be discovered, and then the fundamental *law*, before this science can take the smallest step. Is progression, perfectibility, the primary fact, as many believe? or is it, as others maintain, that there is a *corso ricorso*, a perpetual rise and fall, a reproduction of the same cyclical phenomena? Is man a being gradually degenerating, or gradually progressing? or is he doomed to grow to a certain point and then inva-

riably decay? These opinions are severally held by thinking men; and until they are all merged in one general conviction, we cannot declare the fundamental fact of human history to be ascertained. History wants its Galileo,—Kepler and Newton will succeed.

Such are the arguments which, placing ourselves in Herder's day, we should use to justify his declaration that the science of history was then not formed. He gave the world 'Ideas' towards such a science: his book may be regarded as a suggestive guide to the student. Separate views may be pronounced inconclusive or fanciful; but the spirit of the work and the suggestive nature of its execution must excite admiration. He insists with proper force on the importance of geographical differences in determining the varieties of civilization. He recognizes the necessity of studying climate, philology and literature; in a word, his distribution of the various portions of the subject of study may be looked upon as his great merit. We shall not here enter into an examination of any of his details; but his views respecting the oft-disputed point of civilization as productive of happiness, may be noticed for the sake of clearly exhibiting the errors into which men are constantly led from the want of some established science of human nature.

The sophisms of Rousseau and his followers respecting the superiority of the savage over the civilized man are now generally discarded; but perhaps the great majority of persons who have thought upon the matter would incline to the opinion that happiness, so far from being dependent on civilization, is, if not deteriorated, at least not increased by it. There are few maxims more current than that a highly civilized condition, if it procures great enjoyments, incites also greater wants; and that the savage with his fewer wants is as happy as the man of refinement. This maxim seems to us grounded on an utter misconception of human nature. Happiness is not to be defined: it is a general term applied to such opposite species, and used in so loose a manner, that any description of it would necessarily exclude many things for which it stands as the general name. But let us ask, what can the word definitely mean, when used in connexion with the subject of civilization? It cannot mean that the civilized man



could be happy in the savage state; nor that what constitutes the happiness of one must necessarily constitute that of the other. We all know how various are the standards, how opposite the pleasures of different men: the question of happiness therefore, when used in reference to the masses, must rest upon some ground which is common to all. What then does it mean when thus used?

We believe it to mean *complete development*. The ideal state of happiness, for the individual as for the nation, would be one wherein the physical, moral and intellectual faculties were most harmoniously developed. Our nature is threefold, and demands threefold activity. We have pleasures of the senses, of the affections and of the intellect: each of these in a state of healthy activity is productive of pleasure: all of them in a state of healthy activity would be ideal happiness. This is not only the conclusion to be drawn from a positive examination of the nature of man, but may be equally proved by the negative argument. The savage is happy without intellectual enjoyment. True, but has he not one source of happiness the less? When not hunting or fighting, what has he to do with the heavy time upon his hands?—eat or sleep: he leads the life of a brute. The brute too is happy; but would any man wish to exchange natures with it? No: because the brute wants faculties which the man possesses. So, in a descending scale, one would prefer being a brute to a plant, a plant to a stone: and is not the reason obvious?

If man be endowed with three sources of happiness, it needs no argument to prove that the state of society which most successfully opens them, and gives healthy activity to his threefold nature, must be the one for which his constitution is best fitted, and consequently the one most productive of happiness. Civilization is therefore indispensable to complete happiness: it excites greater wants, but in these very wants there is activity, and man would rather have ungratified desires than be without desires at all. Herder's doctrine is the common one; that providence is impartial in its gifts, and that the moral powers, wherein alone consists true happiness, can be unfolded in every state of society. This is doubly wrong: first, in assuming happiness to consist *solely* in moral activity,

when it is obvious that physical and intellectual activity are equally productive of it: secondly, in assuming most unwarrantably that the moral powers can be unfolded in any but advanced states of society. "Father and mother, husband and wife, child and brother, friend and fellow-man, these," says Herder, "are the friendships of nature, and in these relationships we must find our happiness." Now the student of history would answer that these relationships present very different aspects in different states of society. It is easy, with our knowledge of the moral sympathies which bind together father and child, husband and wife, to imagine that in ancient days these sources of happiness were the same. Is this the truth?—The plain record of history shows the wife and child as the slaves of the husband and father—their lives and persons in his power: the child that can be sold by his father will hardly regard him with that affection, which in a Christian country is the source of such mutual delight. The wife, who is but the head concubine of her master, will hardly feel for him the deep-rooted love, which in a modern wife is the central feeling of a world of happiness. The heroism of a Brutus condemning his son to death, or of the Spartan mother shedding tears over the *safety* of her son, was cheap to Roman and Spartan parents; to moderns it would be impossible.

We assert that the nature of man being threefold, it is his inevitable tendency to seek that state of society which will best fulfil the demands of his nature, and that ideal happiness would consist in a complete development. This position not only asserts the necessity of civilization—not only refutes the antisocial theories of the eighteenth century—but also, we believe, points to one of the fundamental facts in history, viz. the gradual and progressive evolution of humanity. That there is such a progression visible in history, is now the almost universal opinion of the deepest thinkers.

It is to France that we look for the science of history. Monographs of great erudition and sagacity will issue from Germany, but universal history, the science of history, will proceed from France. With all its erudition, Germany is not the soil for history: the experience of social transformations has been little felt there; the revolutions of Europe have been to it spectacles more than events; it is not a political country.



France has an existence at once eminently political and social : it has had the experience of various forms of government and misgovernment, and has suffered from every sort of political error. France has the truest sentiment of progress, because it has practically experienced the insufficiency of past conditions, and of too rash and inconsiderate a reform. These experiences are visible in its literature. The zeal of partisans or opponents, seeking for arguments or anathemas in the past, if not productive of much good to the respective causes, has given an immense impetus to the study of history : moreover the German mind, vast, patient and acute, is at present too deeply engrossed by the insoluble problems of ontology to arrive at the proper conception of history. We speak of history here as a science, not as a critical erudite investigation of particular points. Niebuhr and Savigny are men whose influence has been prodigious ; but their works are dissertations, not histories. We do not here refer to Niebuhr's cumbrous mode of exposition, but to his very conception of history : he has not only failed to reproduce the *life* of the past,—he has not even seen its significance. It is still worse when we leave the special historians for the philosophers. The former are at least in some sort face to face with the past, and can read dimly ; the latter have an impenetrable screen of ontology placed before their eyes, and can only decipher its mystic writing. Let any one peruse Hegel's '*Philosophie der Geschichte*,' and he will at once perceive the futility of the attempt to construct history on *à-priori* methods. Hegel's work is masterly in its way ; it is a charming specimen of ingenious theorizing ; it contains some weighty passages and acute epigrams ; but the very groundwork is a mistake ; Hegel has given, at the best, nothing more than the *characteristics* of the past—not its philosophy. He considers the past, and endeavours to map out its historical divisions. This, though an instructive process, is not philosophy : admitting the accuracy of these divisions, the student will still demand the laws which regulate them. Hegel replies, that each epoch in history is but the manifestation of one phasis of the *Idee*. The student dubiously asks, How do you know that ?—It is a necessary consequence of my formula of the *Idee*, of my system of ontology, replies Hegel ; and

those who are satisfied with this system will be satisfied with the explanation of the past, which says that "Der Orient wusste und weiss nur, dass *Einer* frei ist; die griechische und römische Welt, dass *Einige* frei seyen; die germanische Welt weiss, dass *Alle* frei sind. Die erste Form die wir daher in der Weltgeschichte sehen, ist der *Despotismus*, die zweite ist die *Demokratie* und *Aristokratie*, die dritte ist die *Monarchie*.\*" If this summary statement were admitted as accurate, it would nevertheless be useless; no prediction of the future could be evolved from a volume of such views. But unfortunately no student can accept such statements as even accurate. It is the fault of Hegel, as of all ontological theorists upon history, to select one feature and pronounce it to be the whole face,—to take one fact and assume it to be a complete expression of all the facts to be considered. Thus he says, "Das griechische Leben ist eine wahre Jünglingsthat. Achill, der *poetische* Jüngling, hat es eröffnet, und Alexander der Grosse, der *wirkliche* Jüngling, hat es zu ende geführt†." This is the sort of observation we expect to find in a poem, not in a philosophy of history.

Whoever looks into the writings of German philosophers, will at once perceive that the science of history can never proceed from their present methods. An altogether different method is required, a new conception of history needed. It is for this reason that we look to France with greater hope. The French possess a constitution of mind peculiarly fitted for the study. Without the excessive love of speculation which is both the strength and weakness of the Germans, they have a natural aptitude which has always kept them alive to the importance of general views. So without the engrossing love of *fact* and literal truth, which is equally the strength and weakness of the English, they have sufficient disposition towards the definite and practical to keep their attention alive to the importance of facts. The French mind is nicely balanced between the two poles of thought and action: history occupies just such a position between the poles of philosophy and politics: hence we conclude France to be the country from whence the science of history will proceed.

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\* Phil. der Gesch. p. 128,

† Ibid. p. 274.



It has not yet proceeded; for in spite of the unquestionable ability of many living writers, we cannot affirm that the first conditions of this science are yet fulfilled. History, which is both art and science, has only yet made striking progress in the former. The picturesqueness of antique times,—the opposition and fusion of races,—the manners, ideas, superstitions,—in a word, the *life* of the past, as it differs internally and externally from the present,—these have been seized and painted with force and truth; but the laws which regulate the phenomena of human history have not yet been formed into a science. What is the consequence? Instead of working by various routes to one acknowledged end, the various writers weaken their energies by isolation. One writes with one view, another with an opposite one. One considers history to be an art, and bestows on it the care and labour of an artist; another views it as a branch of philosophy, and endeavours to solve its problems by ontological dogmas: a third treats it as pamphleteering on a large scale, and brings to it the animus of a partisan: a fourth regards it as a matter of erudition, and brings to it the whole cargo of folio folly. It is not surprising that works so written should be incomplete. Until a general doctrine is established, until a philosophy of history is elaborated, there can be no perfect special history. Century upon century the Chaldeans watched the stars, and from their watchings framed a futile science, upon which no certain calculations could be grounded, no art of navigation formed. It is but two centuries since Galileo lived, and astronomy is now the most exact of the sciences!

The urgent want of the age is, therefore, a general doctrine. The general laws of the evolution of society have to be discovered and organized; the special laws, and their applications to particular periods, will follow. But previous to the coordination of these various laws into a general doctrine, it is necessary to establish the fundamental laws of human nature: the philosophy of man must precede the philosophy of history: the latter is nothing more than the former modified by social and historic influences. Unfortunately we are as yet miserably deficient in a science of human nature: our only consolation is, that all the materials for this science are recog-

It is the intention of the writer to present a more complete picture of the situation in the United States than is possible in this brief report. To this end, the writer has included a number of statistics, from the Bureau of Census, which show the extent of the problem. It is hoped that this information will be of some use to the Committee.

[illegible]



only that the man of this century is different from the man of past centuries, but that he is necessarily so. History must furnish the materials of ethology, and ethology must in turn explain history: they are indispensable to each other.

Among the many important questions which a sound ethological historical view would enable us to solve, would be that of the influence of speculative belief on action. It is notorious that our beliefs are the great rulers of our acts. Passions and impulses play a great part; but the predominance, in a state of civilization, is and must be awarded to our ideas. All institutions and all moral restraints, all laws, are the offspring of the prevalent creed; or if descended from another creed, they are made to accord with our own. This is a position which no one denies: it is equally enforced by doctrine and experience. At the same time another and contradictory fact is almost equally notorious, viz. that speculative belief has often little or no influence on our actions. History and daily experience abundantly testify to this fact. Men really and sincerely devout, *i. e.* intensely impressed with speculative belief in religion, do nevertheless almost daily act in defiance of it. Moral iniquity combined with religious fervour is a phenomenon of perpetual occurrence in history, especially amongst southern nations; and the smallest experience of the world is sufficient to prove its frequency amongst ourselves. It is a mistake to call this hypocrisy; it may often be so, but the mere fact of discrepancy between belief and act is no proof of it. Throughout the history of the middle ages, the student will find constant examples of atrocious conduct forming the staple of a man's acts, without ever vitiating his belief. The Spaniard or Italian is often a moral hypocrite, seldom a religious one. Shelley well said of the religion of the Italians, "It is adoration, faith, submission, penitence, blind admiration,—not a rule for moral conduct. It has no necessary connexion with any one virtue. Cenci himself built a chapel in the court of his palace, and dedicated it to St. Thomas the Apostle, and established masses for the peace of his soul." A striking proof of the inefficacy of speculative belief in controlling our acts is to be seen, as Condorcet remarked, in the case of duelling. There are few actions more at variance with the whole spirit and express injunction of Christianity than

that of duelling: although the object of the severest animadversions from the church, yet it has been most frequent at the time when the church was strongest, and when belief was most unconditional and literal. The military spirit was too powerful for the religious menace to crush. Remark also, as a substantiating proof of this observation, that it is in modern times, when the power of the church has so considerably fallen, and the spirit of scepticism is so prevalent, that duelling has spontaneously fallen into disuse, and now forms quite an exceptional occurrence. Why has it fallen? because the present commercial state of society does not require that military spirit to be fostered: it sees the evils of duelling, and has no need of the elements whence duelling sprang. Why could not the church put down the evil? Because, as M. Comte justly observes, duelling was a necessity imposed by military habits, and because it is a principle of human nature to brave a distant peril, however great, rather than incur the immediate, inevitable *brand* of public opinion; men dare to peril their souls in the future life, but dare not brave dishonour and contempt in this!

We see then two classes of facts, equally notorious, and apparently contradictory, running through all history. On the one hand we observe that the acts of men are determined principally by their beliefs; on the other that the acts of men are often in defiance of their beliefs, or utterly unconnected with them. We know that the external state of society depends upon the internal state of mankind, and that all changes of institution or of customs arise from changes of creed. We know also that many elements of the social state are at variance with such creed, or unconnected with it. A great problem is here set for the ethologist to solve. It has many phases; one of them is discovered by M. Auguste Comte in the principle above mentioned, whereby the *future is sacrificed to the present*,—a principle in active operation in all men, and forming a predominant characteristic of women. Another phasis we exemplified in our article on Modern French Metaphysics, and it may here be expressed in a terse saying of Sir James Macintosh: "We think according to our opinions, but we act according to our habits." The only fault in this aphorism is, that it assumes our habits to be independent of our opi-



nions; whereas they are the realization of our opinions,—our thoughts become motive-forces. It is of *newly acquired* opinions that our habits are independent, or else of old creeds, no longer anything but formulas, without special suggestive significance. Habit is always originally based upon opinion: a new opinion received in speculation will not generally have power enough at once to conquer the old habit; it must create a habit of its own, which is not always possible. Moreover an opinion may be entertained, the natural consequence of which, when translated into act, will be highly virtuous; but man is a complex being, and this translation is not unimpeded: it will probably be rendered impossible by the counter-influence of some other opinion or habit, as in the case of duelling above noticed.

The importance of duly estimating the influence of belief on action will be recognized by all historians: until it has been estimated, we must always fall miserably short in our attempts to understand the past. Look at the feudal times, and their boasted chivalry: if we examine only the ideas then prevalent, we shall loudly extol the state of society which cherished them; we shall side with all admirers, and proclaim the poetry, morality, gentle courtesy and heroism, so constantly attributed to these feudal times. Reverse the picture; let us leave literature and poesy, and descend into the broad domain of reality, and then another feeling will result: we shall then brand these times as those of the grossest brutality, and declare their poesy and chivalry to be all chimerical. The feudal epoch was, without doubt, says M. Guizot, one of the most brutal and disgusting of our history; one of those wherein we meet with the greatest number of crimes and the greatest violence, when the public peace was most incessantly troubled, and when the greatest disorder reigned in customs and morals\*. Now both the foregoing views of the social state would be erroneous. They would both be founded on irresistible evidence; but their apparent contradiction would require to be reconciled by something higher than the mere evidence of facts, viz. the ethological principle explaining the mutual relation of belief and action.

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\* *Civilisation en France*, vol. iv. p. 185.

It is undeniably true, that in these feudal times the moral ideas were of extreme beauty and purity, while the actions were of violent brutality. Nowhere and at no time has female chastity, and manly respect for it, been so warmly recommended and described; and scarcely ever were the relations between man and woman more licentious,—scarcely ever did female weakness suffer so much from the violence of man.

Such are the contradictory facts, of which abundant evidence exists. The historian has to reconcile them: this he cannot do by denying either: he must reconcile them to the facts of human nature; and to do this, he must have a science of human nature, an ethology, to fall back upon. If he have such a science, he will therein learn the influence of belief on action. He will learn that this ideal morality, which he finds amidst such discordant reality, was not capable of being completely and permanently translated into act,—was not capable of subduing all the wild appetites and passions of barbarian hordes; but he will suspect that it at least prevented them from becoming worse. Bad as they were, they would have been worse without an ideal check. Moreover the historian may learn, with M. Guizot, that "*c'est beaucoup que le jugement des hommes sur les actions humaines, tôt ou tard, il devient efficace.*" The ideal at last partially descends into the real: speculative belief becomes entwined with and nurtured by practical feelings. Habits are engendered in the attempt to realize the ideal, which, even if they fall short of their model, are still above the original level, and become efficacious.

From this single specimen may be gathered an idea of the importance, the necessity for ethological principles, before the past can be understood. Indeed it might seem obvious enough, that if a science of history be possible, it must be grounded on a science of human nature; and very singular it is, that so obvious a fact should not have been till recently observed. Such is the case however, and it is this which induces us to lay stress upon the necessity, and to illustrate it by special instances. We will now proceed to another question, which depends wholly on ethology for a solution; we refer to the old Utopia of a Government of the Wise.

Few sophisms are more captivating, and few more impli-



citly believed as almost self-evident, than that which asserts that the reins of government should be in the hands of the wisest. It is an Utopia to which not only philosophers constantly turn their eyes, but which men in general consent to regard as the final state of humanity. Whoever wishes to see this sophism exposed may consult Auguste Comte, '*Cours de Philosophie Positive*,' vol. v. pp. 305—319. Meanwhile, as many will not have it in their power to do this, we may offer a few remarks, sufficient to show the impossibility of the Utopia.

The first obstacle is insuperable: how shall we have the wisest recognized? No one will be inclined to maintain that the wisest is recognized by his contemporaries. It is not till the mission of a great thinker is completed, that the world can judge whether he really be a great thinker, and not a fanciful dreamer. It is not many years since Sir Walter Scott ridiculed the idea of steam being used to propel vessels. It is not more than five years since Dr. Lardner *demonstrated the impossibility* of steam communication with India. It remained for events to decide whether the adventurous projectors were men of sound judgement, or of the absurd and extravagant character imputed to them by Scott and Lardner. If in this lower sphere the thinker can only be tested by the event, how shall he be recognized, who, dealing with the abstract comprehensive views of science or politics, requires perhaps a century to verify by facts the justness of his foresight? It is obvious that the wise can be fully recognized by posterity alone: they are too far removed from the mass of mankind to be either appreciated or understood. The mass destined to action, sympathize more with an intellect of middling capacity, joined to practical activity, than with intellects of a purely speculative nature however elevated. The man of action is understood,—his superiority is recognized. The man of speculation is not understood; and if his superiority happen to be acknowledged, it excites no sympathy and exerts no influence. We see no reason to deplore this disposition of mankind: we believe the influence of thought, in its abstract speculations, to be the great instrument of civilization: we believe thought to be the great central force from which all great action springs; but we also believe that

thought is destined to a purely consultative and preparatory office. It directs the vessel of the state, by the application of abstract truth, but it is not itself the helm: it informs the pilot how to steer, but leaves the rudder in his hand. Theory is a distinct province of human endeavour, and should never usurp the place of practice: to attempt such an usurpation would cripple the efforts of pure speculation and confuse those of practice. For it is well known, that, in order that speculation may be productive, it must be left free to range where it pleases, and in nowise be tied down to practical exigences: otherwise no advance would be possible, everything new being pronounced impracticable. On the other hand, it is the tendency of speculation to follow one thread of thought and neglect all others: hence the one-sidedness of many theories, which are true inasmuch as they are logical developments of one view, but false because they overlook counteracting views.

The second obstacle is also formidable. Suppose the wisest to be recognized and to be assembled together, and government placed in their hands, there would still remain the hindrance alluded to above. The province of theory would be usurping that of practice, whereby both would fall to the ground. The consequences would soon show themselves, in the establishment of a caste similar to the ancient priesthood, which would not only use its utmost endeavours to keep the many hood-winked, so as to preserve its superiority, but would itself soon fall into a sterile indolence. Whoever examines the first principles of ethology, or indeed of physiology, will be convinced that mental activity, pursued with any degree of sustainment, is at variance with the constitutional tendencies of man. This seems a paradox, but it is a serious fact. Sustained thought is irksome to all men, except the few for whom it is become an habitual excitement, and even with these few it is a factitious excitement: it originated in some social stimulus of a very powerful kind, such as ambition, vanity, or necessity for bread. How very rare is it to see a thinker amongst the wealthy—how frequent amongst the poor! Thought is in need of immense stimulus, before it can so far conquer the constitutional repugnance to any sustained mental activity as to become the predominant



activity of a man's life. This stimulus is afforded to a certain number by the wide-spreading influences of civilization; and we may remark here the inevitable growth and development of society which is implied in this. Thought is the great instrument of civilization. Civilization is the soil in which alone thought can be cultivated, because it alone affords the necessary stimulus to the energy of man, which must conquer his constitutional inaptitude. The excitements of an artificial state are the means whereby a great power of thought is called into activity.

If we now apply these fundamental principles of ethology to the question of a government of the wise, we shall at once see its absurdity. Sustained thought being only compatible with a strong social stimulus (except in rare organizations), the withdrawal of that stimulus, by placing thinkers at the head of the nation, would be followed by a relapse into constitutional indolence:—"Destiné à lutter et non à regner," says Auguste Comte, "l'esprit n'est point spontanément assez énergique, même chez les plus heureux organismes, pour résister longtemps à l'influence délétère d'un semblable triomphe: il tendrait nécessairement vers une funeste atrophie graduelle comme manquant à la fois de but et d'impulsion." We have no space to admit of further developments of our argument; but trusting the above are conclusive we pass to the third obstacle.

The consequence of all academies, institutes and learned bodies is to favour mediocrity. We are not denying certain collateral advantages which are said to result from the association of learned men into public bodies, but we note a fact that is constantly before the eyes of the world. "Les quarante qui ont de l'esprit comme quatre" have, it is notorious, rejected the most illustrious writers of their country, while they have received with acclamations the most presumptuous mediocrity. If any one runs over a list of members constituting the present academies and institutes, he will be perfectly amazed at seeing amongst them a large proportion of names which have never crossed the frontier, and some whose qualifications could not be stated without considerable research; whilst names that are European, that are recognized by Europe as amongst the illustrious in their several depart-

ments, are not admitted, or have been rejected. Read Paul Louis Courier's Letter to the Academy, not only for its exquisite irony and perfect style, but also for a few facts respecting academicians! He proposed himself on the ground of being considered one of the first Hellenists of France: he was rejected, and a rich *fermier*, who scarcely knew the Greek alphabet, was chosen in his place. But, not to go abroad for examples, was not the greatest living astronomer, one also profoundly versed in the other sciences, defeated in a contest for the presidency of a Royal Society—and defeated by whom? a *dilettante* nobleman!

Thus on all sides we see that a government of the wise, wherein philosophers should be kings, is an Utopia based on a misconception of ethology. Were such a thing attempted, it could only be a government of mediocrity, of speciality; and this would inevitably lapse into a sterile caste, whose principal aim would be to maintain its own position.

A proper study of ethology would serve to correct errors far more dangerous than the above; among these would be the now prevalent sophisms respecting facilities of divorce and the emancipation of women. Let us venture a word or two here upon these subjects.

The sophism of extending the facility of divorce is one of such fearful consequences, if realized in practice, that it behoves all earnest men to inquire into it. The great arguments upon which it is founded are false, because *à priori* and not ethological. The fundamental error of this doctrine lies in assuming that *à-priori* conclusions have an ethological value; the assumption is gratuitous. It is true, *à priori*, that a law which declares one man to be united to one woman, with no possibility of escape except by crime, however incompatible their dispositions, however wretched their lives, is unjust. We admit that, on a bare statement of the law, so considered, it is unjust. But we answer, that there is a gross error in viewing a law *à priori*; and that this law viewed ethologically is not only eminently wise, but also just. It is a law whereby the mass of human beings are made happier than if it were otherwise, and whereby society is kept stable in its relations. And this is the only light in which a law can be honestly viewed; otherwise we might rebel against all laws,



because on *à-priori* considerations they are all unjust to some people. Man is born equal to man : so says the *à-priori* leveler ; and would forthwith destroy all property, all distinction. The philosopher answers that man is by no means born equal to man, and that society pronounces equality impossible.

While therefore we admit the opponents of the law of divorce to have a logical truth in what they advance, we deny their data and altogether repudiate their method. The question of marriage is a very complex one ; it embraces so many elements, both social and individual, that a complete science of character and of politics would be necessary to resolve every difficulty. Meanwhile there are certain well-understood principles of human nature, from which we may demonstrate the necessity of curbing the love of change inherent in mankind : to these we appeal.

It has been profoundly remarked by John Mill, that for all *citizens*, for all members of a society, it is imperative that there should be a system of education beginning with infancy and continued through life, which education is a *restraining discipline* :—"to train the human being in the habit and "thence the power, of subordinating his personal impulses "and aims to what were considered the ends of society ; of "adhering, against all temptation, to the course of conduct "which those ends prescribed ; of controlling in himself all "those feelings which were liable to militate against those "ends and encouraging all such as tended towards them\*."

Whoever reflects how incessantly this restraining discipline operates from childhood upwards, and with what manifest advantage to society and the individual, will appreciate the importance of its operation in marriage, in preventing "un "trop libre carrière aux appétits les plus énergiques, dont la "répression continue, combinée avec une légitime satisfaction, "doit nécessairement augmenter à mesure que l'évolution "humaine s'accomplit†." The student of ethology will understand how pernicious is the love of change when unduly indulged ; he will understand the real force of that "*indispensable fixité*" of marriage "sans laquelle notre courte existence se consumerait en une suite interminable et illusoire

\* System of Logic, vol. li. p. 600.

† Comte, vol. v. p. 443.

“de déplorables essais, où l’aptitude caractéristique de l’homme à se modifier conformément à toute situation vraiment immuable serait radicalement méconnue.” To take upon yourself a sacred duty, and to swear that such shall be for life—to bind yourself for the future—to give yourself no power of retrieving your error, if you have made one,—this, at first sight, appears a signal hardship. We all know the fickleness of human passion and the uncertainty of human judgement; we all know how easily a man may make a mistake in his choice of a wife; and it seems too unjust to say that he must abide by the consequences of his error, that he must suffer for it through life, or escape from it only by crime. This is the abstract view. The truth of the case is however not stated in this argument: the laws of human character are overlooked, and consequently the argument is vitiated. Ethology would distinctly prove that the obligation imposed upon man of conforming himself to an insurmountable necessity, so far from being injurious to happiness, constitutes, as M. Comte remarks, one of its most indispensable conditions, by preventing or restraining inconstancy in our views and hesitation in our designs. This of course is only meant to apply to such cases as those wherein the necessity is endurable. Nothing is more dangerous and injurious to man than versatility. The generality of men are far better able to pursue a line of conduct, the rules of which are independent of them, than to *choose* the line of conduct which it is best for them to pursue. To obey the dictates of a moral or social law is easy and satisfactory; but to create the law, and then fulfil it, is the rare privilege of a few.

Whoever duly examines the marriage state with a view to its adaptation to human character and happiness, will recognize the extreme importance of the bond being indissoluble, except by crime. Permanence in our relations is an indispensable condition of happiness, by counteracting the tendency to change, and by somewhat modifying the dangerous effects of temper. If two friends quarrel upon some trifling occasion, they may perchance be separated for life; a little obstinacy on the one side and a natural pride on the other may prevent a reconciliation. But suppose man and wife could as easily dissolve their ties, what social anarchy must inevita-



bly ensue! Marriage, by being an indissoluble tie, contains within itself the necessity for reconciliation. Married people quarrel, but they are forced to be reconciled, because they are forced to live together. This is an important consideration: it points to that principle of human character which enables man to adapt himself to his condition and be happy in it.

There are of course exceptional cases. There are married people to whom the bond is almost intolerable, who drag on a miserable existence because they have early in life made a great mistake. But it is to be considered, 1st, that in legislating we must regard the mass and not the individual; 2ndly, that in this life the penalty of error is severe, and justly so. If marriage be the state described by its opponents, it only becomes more imperative on all to take greater precaution before entering into it. The law of divorce, if abrogated, would induce far greater ills than any which now proceed from it.

In equal contradiction to the laws of character is the loud-mouthed rhetoric so abundant on the subject of the emancipation of women. The question on both sides is mostly conducted with utter disregard to the first principles of physiology and ethology. The smallest examination of the differences of the sexes would sufficiently establish the differences of office for which each is fitted. The vocation of woman is as distinctly domestic, as that of man is labour, whether mental or physical. The idea of assigning to women the vocation of men is so absurd, that, were it not in reality impracticable, it would scarcely deserve detailed refutation. Fortunately, as with the Utopia of reigning philosophers, the thing is impossible, and only a few individuals can be spoiled in the attempt. We are far from denying the great intellectual capacity occasionally exhibited by women, but this is only with rare—very rare—organizations: physiology distinctly proves, that in the mass of women the moral and sympathetic qualities greatly predominate: ethology as distinctly proves, that, in spite of exceptions, the vocation of woman has always been and must be domestic. To give women therefore the education of men, is to give them instruments they are not to use; and to give them the political and social privileges, is to call them out of the sphere of their vocation.

Thus have we indicated the nature of the questions which ethology must solve; and we may now leave this subject, with a hope that the necessity of a science of character for the elucidation of history has been made sufficiently evident.

Could we suppose a science of character to exist, there would still be a science of history to construct; but we cannot suppose the one without the other, since they must verify and explain each other. It is to Auguste Comte that we hold the world indebted for the most valuable contributions yet made to both sciences, and it is in his works alone that we have seen the true historical method. We believe, indeed, that a science of history is still to make; but with a deep sense of gratitude we here record our conviction that the fundamental law of human evolution has been discovered by M. Comte, and that therefore the science is now rendered comparatively easy. History has had its Newton. The law of evolution, which we cited in our last Number, is of the same importance to the science of history, as the law of universal attraction was to the science of astronomy: it may not strike the reader at first, but continual meditation and verification by history will develop its significance. We need scarcely add, that it is indispensably necessary for every reader to study it in M. Comte's work, where alone he can find each portion satisfactorily illustrated. It may seem exaggerated to call a law of mental evolution a law of historical progress,—to take the speculative belief of men as typical of their state of progress in civilization, which includes so many elements besides that of intelligence; but such nevertheless is the truth. The influence of speculation is the main determining cause of the social progress.

“ Thus the impelling force to most of the improvements effected in the arts of life, it has been well said, is the desire of increased material comfort; but as we can only act upon external objects in proportion to our knowledge of them, the state of knowledge at any time is the impassable limit of the industrial improvements possible at that time; and the progress of industry must follow, and depend upon, the progress of knowledge. . . . Further, as the strongest propensities of human nature (being the purely selfish ones, and those of a sympathetic character which partake most of the nature of selfishness), evidently tend in themselves to disunite mankind, not to unite them—to make them rivals, not confederates—social existence is only possible by a disciplining of those more powerful propensities,



which consists in subordinating them to a common system of opinions. The degree of this subordination is the measure of the completeness of the social union, and the nature of the common opinions determines its kind. But in order that mankind should conform their actions to any set of opinions, these opinions must exist—must be believed by them. And thus the state of the speculative faculties, the character of the propositions assented to by the intellect, essentially determines the moral and political state of the community, as we have already seen that it determines the physical.

"These conclusions, deduced from the laws of human nature, are in entire accordance with the general facts of history. Every considerable change historically known to us in the condition of any portion of mankind, has been preceded by a change of proportional extent in the state of their knowledge or in their prevalent beliefs. As between any given state of speculation and the correlative state of everything else, it was almost always the former which first showed itself, though the effects no doubt reacted potently on the cause. Every considerable advance in material civilization has been preceded by an advance in knowledge; and where any great social change has come to pass, a great change in the modes of thinking and opinions of society had taken place shortly before. Polytheism, Judaism, Christianity, Protestantism, the negative philosophy of modern Europe and its positive science, each of these has been a primary agent in making society what it was at each successive period, while society was but secondarily instrumental in making *them*, each of them (so far as causes can be assigned for its existence) being mainly an emanation, not from the practical life of the period, but from the state of belief and thought some time previous. . . . . From this accumulated evidence we are justified in concluding that the order of human progression in all respects will be a corollary deducible from the order of progression in the intellectual convictions of mankind, that is, from the law of the successive transformations of religion and science\*."

The law of mental evolution being that of civilization, we are entitled to assume that M. Comte's discovery must form the basis of historical science; but inasmuch as astronomy was far from perfect even after Newton, so also will history remain for some time incomplete. A new investigation of historic record must take place, aided by M. Comte's law and by the principles of ethology. Each separate portion must be subject to a general revision: each special history must conform to the laws of universal history. Meanwhile we are in this circle: universal history does not yet exist, and cannot exist without the assistance of special histories; and special histories require universal history to be established before they can be pronounced accurate.

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\* John Mill, *System of Logic*, vol. ii. p. 607-9.

To resume: the science of history must be organized before any special period can be accurately understood or pictured. This science has already possession of the fundamental law of evolution, but needs another complementary science, that of ethology, before it can make much advancement; and it also needs accurate special histories. We have briefly considered the first two points, and the last now remains for us to notice: we shall do so in a rapid survey of the leading French writers, whose works well merit serious attention.

+ M. GUIZOT we regard as the greatest of living historians, because we hold the philosophy of history to be of far higher importance than the art. M. Guizot has not, it is true, detected the great laws which regulate the development of mankind; but no special writer has collected more valuable materials, no one has done more to facilitate the discovery. Of all writers he has best fulfilled the historian's task of showing the development of ideas and institutions. Of all thinkers he seems most clearly to have perceived the generating causes of every historical phenomenon and the spirit of each epoch: of all historians, he seems the least impeded in his march by the absence of a general doctrine whereby to verify his conclusions. He best has read the history of ideas beneath the progress of events.

But M. Guizot is a thinker, not an artist: in this lies his great deficiency, apart from that general deficiency of doctrine common to his contemporaries. There is no life imaged in his works, and consequently half the historical problem is to him a blank. The very ideas, whose progress he so luminously traces, inasmuch as they were realized in men's acts, were part and parcel of human life, influencing it and by it being influenced. The superficial *manners* they produced, reacted on them, modified them and partly helped to suppress them. This is a wide question, but it finds no mention in his works, which are in consequence no more than philosophic dissertations.

But what dissertations! where will the student find thoughts so profound, so clearly expressed—generalizations so rapidly, yet so satisfactorily arrived at—ideas so supremely dominant above the complex facts, yet so scrupulously and securely grounded on those facts? Models of philosophic writing are



his essays on the municipal institutions of Rome, on the ethnic influences of the Crusades, on the rise and progress of the church and royalty, and on the characteristics of European nations. Depth of thought with clearness of exposition constitute the charm of his writing, and in a great measure compensate for the absence of those more brilliant qualities which distinguish Michelet and Thierry in the art of history.

Guizot's method is *à priori*: he first seizes the general ideas of an epoch, and having stated them in their abstract terms, proceeds to illuminate the darkness in which the epoch is enveloped; not so much proving his views by the facts, as explaining the facts by his views. This method demands preparatory erudition and patience of research, which few have possessed or are likely to possess in so high a degree. The temptation to write history according to a preconceived programme, as we see in Hegel, Gans, Buchez, etc., is one of the most dangerous by which a man can be seduced, in the present state of the science, when no duly verified programme of the march of universal history has been made. It is the same temptation as that which led the errant minds of alchemists to reason upon nature, rather than observe her—a temptation which appeals to the idleness and to the pride of man, and is therefore doubly pernicious. When once the general laws of historic evolution have been duly verified, then may the special historian theorize at will: he may invent purely artificial conditions and approximations, with probability of success, or at least without injury to science. This the chemist does with profit:—this the historian can *now* only attempt with pernicious consequences. M. Guizot cautiously abstains from any of the extravagances which usually seduce the followers of the *à-priori* method, but he does not always escape its dangers. We sometimes meet with views which are evidently the result of certain anterior views, rather than of a just comprehension of the matter in hand,—logical *à-priori* developments, not ethological or historical conclusions: but it is wonderful how little he has suffered himself to be so seduced.

The tendency of Guizot's writings is distinctly towards progression: the shade of his opinions is conservative. This

apparent contradiction finds its solution in a consideration of his life and position. M. Guizot, the child of a man who perished on the scaffold, a victim of the Reign of Terror—and M. Guizot the minister of France, at a time when every day threatens a return of democratic anarchy, when the strongest intellects quail before the task of keeping peace and order—could not well be otherwise than conservative. “Our principles and our tastes are known,” said he: “we are essentially conservatives and for the government; for, according to our profound conviction, France needs above all things government and conservation, as well for the interests of liberty as of order, for the dignity as for the security of the nation\*.”

He is a conservative therefore as a temporary necessity, forced on him no less by the spectacle of the state of his nation than by the knowledge of the great revolutions of Europe, and above all of the ghastly scene which overshadowed his infancy with gloom and sorrow. But his faith is in humanity, his conviction is of progression. He has not studied the great drama of European history and seen therein a barren circle of events without ulterior significance; he has not studied the past to vilify the present, or to despair of the future. No: the gradual development and resistless progression of humanity are truths which history proclaims, and he accepts them.

Such are Guizot's method and tendencies. His style is at once admirable and vicious,—admirable for clearness, but vicious in its stiffness, approaching pedantry, and in its preference of abstract expressions. We must not look to him for eloquence, enthusiasm or pictorial power; but for clearness, orderly arrangement and terseness. He presents novel views of astonishing insight, with a calm and unpretending air: and in this he is less French than any of his countrymen. His ideas moreover have the very rare merit of “striking the general intelligence like a flash of light, and resting inattackable to the eyes of the most exact and minute erudition. “Gifted with a marvellous power of analysis, he walks with

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\* *Révue Française*, Avril 1830.



"ease through the obscurest epochs." So speaks a great authority\*.

The works in which these qualities are to be studied, are  
 + 'L'Histoire de la Révolution d'Angleterre,'—inferior we think  
 to his other writings, but nevertheless very remarkable;  
 + 'Essais sur l'Histoire de France,'—extremely important: they  
 contain,—1. his great essay on the municipal institutions of  
 Rome; 2. a view of the origin and the establishment of the  
 Gauls in France; 3. causes of the fall of the Merovingian and  
 Carolingian dynasties; 4. on the social state and political  
 institutions of France from the fifth to the tenth century;  
 5. on the political character of the feudal institutions; 6. on  
 the causes of the establishment of the representative govern-  
 ment in England. It will be seen from this list of essays that  
 they are not, as is usually supposed, occupied exclusively with  
 France, but embrace questions important to all historical  
 students. Many English readers are repelled by the title:  
 they have no peculiar interest in French history, and there-  
 fore leave these essays unread. We trust our enumeration of  
 their contents may dispel this prejudice. The same remark  
 applies to Guizot's other great work, the 'Civilisation en  
 France.' Every one knows and admires the little work on  
 'European Civilization,' of which no less than three English  
 translations exist; but we have met with very few persons  
 who have read the five volumes entitled 'Histoire de la Civil-  
 sation en France,' which are in truth as much European as the  
 single volume. Guizot selects France as the best country  
 for exhibiting European civilization, and his principal illu-  
 strations are drawn from French history; but the matters treated  
 are essentially European and of universal interest.

M. DE BARANTE, the author of the 'History of the Dukes  
 of Burgundy,' may be contrasted with M. Guizot, as possess-  
 ing qualities in which the latter is deficient, and as wanting  
 the greater requisites of science.

False, because one-sided, in his conception of history, M. de  
 Barante has nevertheless done good service, and produced a  
 work worthy its immense popularity. Its motto is its de-  
 scription,—*scribere ad narrandum non ad probandum*. Tired,

\* Aug. Thierry: *Considérations sur l'Hist. de France*, prefixed to the '*Récits des Temps Mérovingiens*.'

as well he might be, with the vain pomposities of "philosophy teaching by example," pained by finding history so constantly falsified for political purposes, incapable of seeing what instruction history really might afford, he adopted the plan of writing the *narrative of events* with contemporary thoughts and feelings, not with those of the nineteenth century. He verified the chronicles—those honest liars—and gave the world twelve volumes as the result. This he did with considerable talent, but not always in strict accordance with his plan. The man of the nineteenth century is constantly visible; the very picturesqueness is full of traces of the lamp; and, in spite of his determination not to introduce reflections or judgements, but to let those of contemporaries suffice, he has contrived both to reflect and judge.

+ M. de Barante thinks we only want the facts of history: but how are we to understand those facts without a theory? of what use is a fact unless it illustrate an idea? Comets appeared, apples fell, gases combined and food was digested, and all these facts were observed long before astronomy, chemistry, or physiology were sciences—yet of what value was such observation? So we may say of history. When M. de Barante wishes us to see the past as we see the present, in all its details as in all its animation, convinced that then all lessons which the past can give will be easily deduced, he expresses the wish of every student, but he does not show the means. See the past as we now see the present!—truly an easy proposition, but how to be fulfilled?—not by a mere narrative assuredly.

But while we regard this method of writing history as false, because one-sided, we are not blind to the beneficial results it has produced in the descriptive school. Till the philosophy of history is organized, a good narrative has immense value. The life, the movement, the manners, habits and characteristics of the people, which we find wanting in Guizot, are to be met with in the descriptive school, of which M. de Barante is one of the great ornaments. The 'History of the Dukes of Burgundy' is a masterly narrative, and, read in conjunction with graver writers, yields good instruction.

+ M. MICHELET next demands our notice, as uniting the two opposite tendencies of Guizot and Barante. Michelet's



fault is not one-sidedness: he distinctly views history as both science and art; demanding a philosophy as indispensable to the understanding of the past, and art as indispensable to its reproduction. Differing from Guizot in his philosophy no less than from Barante in his art, Michelet is the representative of a particular conception of the historical function which combines the excellences while it supplies the deficiencies of those writers.

Michelet is the historian *par excellence*: not simply the most captivating, but the one whose works bear the most vivid impress of that union of qualities which make historians great, viz. imagination, sagacity, profundity and erudition. Looking at the absolute value of his works, we rate them lower than those of Guizot; but as one who has more truly conceived the historian's function and who has better executed his conception, we rate Michelet higher than his rival.

History has been the purpose of his life; to it he has consecrated the splendid talents of an ardent youth and the ambition of vigorous manhood. Refusing to make that barter of his talents for political power which has destroyed so many of his countrymen, he has placed his glory, occupation and delight in reading the majestic struggles of the past, tracing in those struggles the evolution of humanity, and endeavouring to inspire his age with the deep convictions which fill his soul.

To those who know France, there is much in this. France is a hot-bed of corruption for all but men of great convictions and resolute wills: it fosters talent, but corrupts it also. The pen is the instrument with which the gifted can work themselves to the highest offices of the state; and unfortunately they do so, at the sacrifice of all that made their talents glorious. The temptation which, directly and indirectly in a hundred ways, besets the literary man of France, cannot be understood in England. Our means of corruption are limited, and have small influence with men of any intellectual value: theirs are unlimited, and appeal to every passion—except that of honesty. Journalists and philosophers, historians and men of science, not only swell the ranks of *Députés*, but also rise to the dignity of the peerage, and become ministers, ambassadors and consuls. The pen weighs heavier in the social scale than

even the feudal sword. Nobility can become exclusive, and have its *faubourg St. Germain* untainted by any *parvenu* element; but power, social preponderance, belongs to talent. The journalist polishing epigrams and toiling at *la tartine*, in an obscure *mansarde*, has visions of becoming one day minister; with his pen he can help to shake dynasties and secure himself a place. No such thought crosses the brain of an English newspaper-writer, even in his wildest moments. The French student of history, while poring over the archives, knows that when once he can get his talent recognized he can sell it, because sure of a purchaser. The English student has one ambitious hope—to find a publisher! The French metaphysician sees his former masters *Pairs de France*, and placed high in the state—why should he not also become great? The English metaphysician runs the risk of losing his character by being suspected of atheism, and considers himself fortunate if he can afford to publish a modest volume of speculations which nobody reads.

Thus does France foster talent—thus corrupt it. In England we are well aware there is corruption enough, but it is petty, for petty ends, and only influences petty minds. In England, to be honest is the best *policy*; in France it requires energetic will. The corrupted amongst us are the despicable; amongst the French the corrupted are (otherwise) often the admirable. It is therefore significant of much that a French writer of great talents is contented with his mission as an author, and does not sell himself for the political “mess of pottage.” Michelet and Augustin Thierry are so.

Though gifted in a rare degree with various faculties, imagination is the dominant peculiarity of Michelet’s intellect, and it is at once the principal source of his greatness and his errors. Using the word in its continental and somewhat extensive sense, we should say Michelet is a poet. We do not so much refer to the numerous imaginative passages scattered through his works, as to his artistic nature, and to the very constitution of his mind. This is shown distinctly in his philosophy; for, paradoxical as it may appear, it is in the poet’s philosophy that we most distinguish the poet. Philosophers are men who reason with their *intellects*, if we may so express it. Poets are men whose understandings are (to use Bacon’s



energetic language) "*drenched* in the will and the affections ;" their feelings and their thoughts are indissolubly united, the former predominating. Philosophy is pure thought, and is logical, abstract, impersonal. Poetry is thought growing out of feeling, and is mixed, concrete, personal. Wherever you find a man habitually "reasoning by his feelings," you may assert that he is unfitted for philosophy :—such is Michelet.

It is because Michelet is more poet than philosopher, that he is the historian, *par excellence*. The science must be made by a philosopher, but the art will fall to the poet. History is the spectacle of the complexity of ideas generated by feelings and of feelings generated by ideas, and therefore does it need a poet to picture and explain it. It is mixed, concrete and personal, and, inasmuch as it is the evolution of humanity, requires the poet's sympathies with man to understand it. If the science were but organized, it would be to the poet that we should look for special histories and for the imaginative restoration of the past ; but the science is yet to make, and the poet, without compass on that vast and stormy sea, guides himself across it by the stars !

But the familiar stars, so beautiful to worship, are difficult to know, yet must be known, if they are to serve as guides. How known?—not by divination, but observation directed by sound theory ; not by *à-priori* synthesis, but by laborious analysis and *à-posteriori* synthesis. These are not the conditions which a poet is likely to fulfil ; accordingly we must not trust ourselves in his boat, unless we have a well-tried pilot at the helm. To drop metaphor : the poet must be accompanied by the philosopher, or history will remain unintelligible. We need scarcely say that Michelet pursues the *à-priori* method—that he writes history according to a pre-conceived programme. He belongs to the ontological school—believes man to have been universally the same—sees symbols in everything, ideas in all facts and providence in every movement of mankind. His errors lie on the side of the spiritual, mystical and fantastical school. Inasmuch as there is considerable mysticism, symbol and poetry in the middle ages, insofar his sympathies and tendencies are eminently suited to explain them ; but inasmuch as there are also prosaic, material, political, economical elements equally important with

the above, insofar his tendencies are injurious and his philosophy incompetent.

+ Michelet began his career as the ardent disciple of Vico: he translated the '*Scienza Nuova*,' and warmly commentated it: he wrote the '*Histoire Romaine*' entirely in Vico's spirit, and in the preface proclaimed it to be the true spirit of history. The first two volumes of his '*Histoire de France*' were equally imbued with Vico: it was only in his celebrated + '*Introduction à l'Histoire Universelle*' that he seemed to suspect Vico to have fallen short in his conception of history. It is in this work that we trace the influence of Herder, Hegel and Hegel's disciples. Now although we regard Hegel as still further removed from the truth than Vico, yet we believe Hegel's influence on Michelet to have been beneficial, by enlarging the sphere of his views and by shaking his faith in Vico. The succeeding volumes of his History of France, without losing anything of the picturesque and poetical charms of the former, are greatly superior in point of historical value. He has escaped from the fatalism of Vico, and embraced the greater conception of progressive development,—not with rigorous precision, it is true, but with strong conviction. The opening paragraph of his '*Introduction à l'Histoire Universelle*' announces his emancipation from the *corso ricorso* of Vico: "With the world began a struggle that will end only "with the world—that of man against nature, mind against "matter, liberty against fatality. History is nothing but the "narrative of this interminable struggle."

The passage is curious in more than one respect. As the announcement of another view of history, it promises much for the succeeding volumes of the author, but it says little for the scientific spirit which is to pervade them. Vague and general as are all the formulas of the ontological school, it is applicable to every point and inapplicable to all: it is as barren as the formulas of the theosophists, so easily invented, so difficult to apply! And yet under one view there is great truth in it, though we are by no means persuaded that Michelet clearly saw that truth. We may say that history is the narrative of the evolution of *humanity*, in its gradual ascendancy over *animality*; the subjection of the instinctive, animal, sensual man to the volitional, moral and intellectual man; in a word, the



progress of civilization. This definition of history is *implied* in the formula of the struggle of mind against matter, liberty against fatality; but how many other and contradictory ideas are there not also implied in it! It is the characteristic of ontological formulas to imply everything, and to state nothing.

Michelet then, in common with his contemporaries, wants an adequate philosophy of history, and his works suffer from the want; but this radical defect does not prevent the fascination of his writings from exercising its influence. He writes with the divination and the *μᾶλ' αὖ δεινὴ* of a poet: he reproduces the mysticism of the middle ages with vivid sympathetic touches: he narrates the dramatic episodes with ardour, passion and masterly effect. Life runs riot in the veins of his history: nothing is dead; laws are vivid symbols; ideas are incarnations and events are personifications of principles. Everything lives, acts and suffers: the cold and glittering granite has a fire of life within: the tears of doubt and passion have "become crystallized into gigantic cathedrals which aspire to mount to heaven." The church is the great mystery and passion petrified. The edifice is a living body; the nave extending its two arms is the man crucified; the crypt is the man entombed; the spire is the man upright and mounting to the skies\*.

Life—personality—this is the feeling intersecting all his views. This gives the charm to his writings and the bias to his opinions. The vividness with which he brings events before the reader's eye must always remain one of the greatest and least common merits; but it is attained at the expense of occasional absurdity and extravagance, and these extravagances create as many enemies as his beauties create friends.

Those (and they are many and worthy of attention) who demand that history should be a grave, almost solemn matter, and treated with becoming gravity, will hardly reconcile themselves to Michelet's style. History should be grave, but in a deeper sense than our "classical historians" have understood it; grave, because embracing questions touching our

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\* Hist. de France, liv. iv. c. 9. These very fanciful notions we cite as specimens of the extremes into which his symbolical and vivifying theories lead him.

social state, deep, wide and important ; grave, because a science grounded on the whole physical and moral sciences ; grave, because demanding high faculties, patient endeavour and searching insight. History must be grave, or it cannot be written : but this gravity does not *exclude* anything, which throws light upon the subject, whether a ballad, a legend, a custom, a silly fashion, or a secret anecdote ; it holds nothing to be derogatory to its dignity, because it *includes* everything, as the greater does the less. To the eye that sees aright, trifles have significance. Indeed it is only great minds that can appreciate trifles : the trivial exaggerate, the solemn under-rate them. Dull must be the sight which fails to perceive great events and great actions ; but it requires sagacity to detect the indications afforded by the bubbles of the day. A great mind is equal to the comprehension of the trivial as well as the important ; as the trunk of an elephant can pick up a pin, or uproot a tree. The writer who, to maintain the dignity of history, keeps upon stilts, is in danger of overlooking much that is transacted upon this earth. History itself was not transacted upon stilts, neither should it be so represented. It is a mingled yarn of the great and mean, the ridiculous and sublime, and can afford to stand upon its own gravity without the aid of any factitious dignity.

We say this because many able men, accustomed to the sustained dignity of classical historians, are apt to disdain the new school as frivolous and theatrical ; when in truth they might as well disdain the Shaksperian drama because it falls so short of the sustained elegance and gravity of Racine. The wider the sphere taken the more numerous the elements ; the larger the conception of history the more varied the materials.

With respect to M. Michelet, we are indeed ready to confess that there are some passages which a friendly eye would fain see erased ; some stretchings of theories to the verge of the absurd ; some almost wilful perception of symbols in very plain and ordinary facts. But these are few ; they are the caprices of an ardent imagination, and disappear in the later volumes. If a charge of levity may occasionally be brought against him, it is assuredly never when he is in presence of a grave subject. The poet's imagination may have its errant caprices, but it plays no tricks with serious realities. Let any admirer of



the gravity of history peruse the masterly narratives of Jeanne d'Arc, Thomas à Becket, the Knights Templar, the Crusades, the Albigenses, the Jacquerie, the Madness of Charles VI., the Dance of Death, etc., and we think he will be forced to own that these have rarely been surpassed. The impression they create is vivid and intense; equalled only by the most striking portions of Carlyle's French Revolution.

This leads us to say that Michelet and Carlyle, all minor differences apart, are very similar in their historical method. They both possess in a very unusual degree the pictorial power of representing the past as present, and exciting the warmest sympathies in persons and events. They are both *subjective* writers; viewing and representing everything through a very peculiar and personal medium. Both delight in vague formulas and abhor analysis. Both are men, most of whose thoughts are generated from their feelings, and who espouse some doctrines and hate others for their *consequences*, more than for any innate observable error.

We have heard it said of Carlyle's book, as well as of Michelet's—"This is not history." Truly it is not. It is not Hume or Robertson; neither is it what history should be, will be. Much is yet needed, as we have shown, before history can be finally written. Meanwhile, Hume and Robertson are as far from the desired end as Carlyle or Michelet; many would say much farther.

Historical works are to be viewed now more as productions of art than of science; and if any one prefer the art of the classic writers, as they are called, meaning Hume, Robertson and Gibbon, to that of Carlyle, Michelet, or Thierry, we have no more to say. We own to being fascinated with the qualities which distinguish Michelet. We cannot remain unmoved by the many passages of splendid eloquence, gleams of an ardent poetical imagination, the epigrams of a truly French lightness and point, the delicious *causeries*, the pertinent anecdotes and the startling aphorisms and deep thoughts, which abound in his writings. As before stated, there are some passages to which we object, as contrary to good taste (his violent denunciations of, and national antipathy to, England are among the number), but a few specks must not obscure the sunbeam. He has his faults, he has his manner-

isms; but, with the brilliant talents he possesses, we need not grudge criticism its detection of errors.

Unhappily these brilliant talents have led some to suspect the solidity of his erudition. Yet his erudition is immense. It is discursive and accurate. It is not always complete, and is weaker on some points than on others; as in a writer who embraces so vast and complex a period must always be the case. No erudition could be competent to all the questions treated in his works. Even the exhaustive industry and patience of M. Sismondi would not resist the attacks of minute criticism. It is enough that Michelet's narrative may be, in the main, relied on, as he verifies the chronicles by the official acts and state papers, by the remains of literature and art, by consultations with *savans* of special erudition, and by examination of English, German, Italian and Belgian writers.

Michelet's works are all worthy of attention. His translation of 'Vico,' and the 'Introduction to Universal History,' we have already mentioned: they form the dogmatic portion of his writings. The 'Précis de l'Histoire Moderne' is a model of outlines, and has already reached six editions. The 'Origines du Droit Français, cherchées dans les symboles du droit universel,' is avowedly founded on Grimm's 'Deutsche Rechtsalterthümer,' of which it selects striking portions, adding new materials and forming the whole into a system. It is exceedingly curious and interesting, and no lover of the symbolical should be without it. The 'Mémoires de Luther' is a valuable compilation from Luther's own works, letters and conversations; it presents the hero in his undress.

The 'Histoire Romaine,' which only embraces the Republic, is a work of great merit, but rather an historical essay than a complete history. Many portions of Roman life are vividly reproduced; and wherever the author encounters a great character or a striking event he is truly admirable. His portraits of Cæsar, Hannibal, Marius and Pyrrhus are masterpieces, and dwarf every other attempt with which we are acquainted. His pictures of the state of Carthage and of some of the internal dissensions of Rome are also vivid and satisfactory. Our greatest complaint is against its deficiencies, its want of completeness, which render it an essay, not a history.



X The 'Histoire de France' is in all respects his greatest work, and the product of his matured powers. Few books are more fascinating, and, read in conjunction with Guizot, we believe few would be more instructive.

AUGUSTIN THIERRY must be considered next. Guizot—Michelet—Thierry: these three represent the various phases of the historical problem,—each in his way unrivalled. The question of abstract ideas or political institutions attracts Guizot, that of the concrete living man attracts Michelet, and that of the masses attracts Thierry. Guizot has developed the progress of ideas from which all civilization springs; Michelet has pictured the aspirations, doubts, struggles and victories of men, regarding institutions but as symbols of those aspirations and those struggles; Thierry has seized the life of the masses, and discovered the importance of the facts of conquest, the fusion of races and the rise and progress of the *Communes*, the cradle of modern liberty. To Guizot belongs the problem of civilization, to Michelet civilized man, to Thierry civilizing races.

Augustin Thierry is also a great writer. Equally without the mannerism and subjectivity of Michelet and the exclusiveness of Guizot, he excites fewer enmities and secures more friends than either. Michelet has partisans, Thierry admirers. Ardent and impetuous, dogmatic and innovating, Thierry has promulgated novel views without arousing much of the rancour which attends reformers; for in truth all readers recognize in him an earnestness and an erudition sufficient to guarantee novelty from the charge of paradox. They see that he is not a mere polemic; that he does not use history as a cloak for party purposes, but with resolute endeavour to attain the truth.

Thierry is chief of the descriptive school: he is an artist in a very high sense; the art of Barante sinks into the feeblest trick, compared with that wider, deeper, well-proportioned work which Thierry raises from materials of the past. Inferior to Barante in style, he is immensely superior in construction. He is always animated, often eloquent and picturesque; but his language is not always commendable; it is frequently ambiguous and inelegant. His great power lies in artistic construction: he groups the masses of details with

unrivalled ease and effect; he seizes all the points of interest or importance, and makes the others subservient to them, in a manner almost unique. In this respect he is a great writer and a model worthy to be studied.

Thierry is a model also of unwearied energy and erudition. His life is a lesson to all men of letters, at once grand, thoughtful and affecting. In it may be read the triumph of a great intellect, when fortified by a noble purpose, over the painful "ills that flesh is heir to." He has prostituted his pen to no court or ministry: he has sacrificed his soul to no luxurious and ignoble idleness. History has been his passion and delight. Blindness, paralysis and helplessness have been the fatal consequences of his too great application: the eyes that read so eagerly, gradually dimmed until they lost all power; the very hand that traced the narrative of his country's struggles refuses now to hold a pen. Nothing remains but the great heart and intellect "*de faire amitié avec les ténèbres*," as he pathetically says. It is a sad spectacle. The visitor goes expecting to see the animated, enthusiastic author of the '*Norman Conquest*,' and he sees the servant bringing in his arms a helpless creature, who, when gently placed in his chair, begins to talk with all the faith and enthusiasm of youth. The spirit-sighted countenance of the "*old man eloquent*" warms into a glow, as he speaks of his favourite study. You forget, as you hear him talk, that he is so afflicted:—he does not forget it, but he does not repine. There is a passage in his '*Dix Ans d'Etudes Historiques*' where he speaks of his career, which will bring tears to the eyes of every reader:—

" Si, comme je me plais à le croire, l'intérêt de la science est compté au nombre des grands intérêts nationaux, j'ai donné à mon pays tout ce que lui donne le soldat mutilé sur le champ de bataille. Quelle que soit la destinée de mes travaux, cet exemple, je l'espère, ne sera pas perdu. Je voudrais qu'il servit à combattre l'espèce d'affaissement moral qui est la maladie de la génération nouvelle; qu'il put ramener dans le droit chemin de la vie quelqu'une de ces âmes énervées qui se plaignent de manquer de foi, qui ne savent où se prendre et vont cherchant partout, sans le rencontrer nulle part, un objet de culte et de dévouement. Pourquoi se dire avec tant d'amertume, que dans le monde, constitué comme il est, il n'y a pas de l'air pour toutes les poitrines, pas d'emploi pour toutes les intelligences? L'étude sérieuse et calme n'est elle pas là? et n'y a-t-il pas en elle un refuge, une espérance, une carrière à la portée de chacun de nous?



Avec elle on traverse les mauvais jours sans en sentir le poids, on se fait à soi-même sa destinée, on use noblement sa vie. Voilà ce que j'ai fait, et ce que je ferais encore, si j'avais à recommencer ma route ; je prendrais celle qui m'a conduit où je suis. *Aveugle et souffrant, sans espoir et presque sans relâche, je puis rendre ce témoignage, que de ma part ne sera pas suspect : il y a au monde quelque chose qui vaut mieux que les jouissances matérielles, mieux que la fortune, mieux que la santé elle-même, c'est le dévouement à la science !*"

Thierry's three works, the 'Lettres sur l'Histoire de France,' the 'Histoire de la Conquête d'Angleterre par les Normands,' and the 'Récits des Temps Mérovingiens,' are remarkable for different qualities. The first, a spirited onslaught on the absurd historical systems and methods prevalent up to the time when he wrote, has the double merit of heralding a new era in science, and of bringing very considerable materials towards it. Replacing the old ideas by new and fruitful ones, it became something more lasting than a polemical attack. In it he has well stated various historical questions of interest ; and his account of the Communes is, if not quite conclusive, worthy of profound attention. The history of the Norman conquest is too well known and appreciated in England to require any detailed account : with all its merits, we think it inferior in power to the 'Récits des Temps Mérovingiens,' though it has the advantage of superior interest in the subject. The 'Récits' is the production of the matured method and practised hand of its author : it is essentially a work of art, though important ideas relative to the science of history are *implied* in it. As a portraiture of the sixth century it is unequalled : it joins the picturesqueness, animation and exciting interest of a novel by Scott to the minute fidelity of exhaustive erudition. The way in which the various elements of society, the highest and the meanest, are selected and grouped round certain individuals and events, so as both to illustrate the characters and the times, reveals the hand of a profound artist. The details of social life, minute yet unostentatious, are brought forward to elucidate the various points in the narrative, not to glitter as a vain display of learning : the characters are represented in a true dramatic spirit. The *couleur locale* is so well preserved, that you never for an instant doubt that you are reading of barbarians, and barbarians corrupted and influenced by contact with Roman

civilization and modified by the Christian religion. Ethology would find good materials in these 'Récits.' Owing to the title, and to the want of interest generally felt for the 'Merovingiens,' Thierry's work seems to have had few readers here. Had the public been aware that these Merovingian narratives were explanatory of the social state of the sixth century,—that they gave a vivid picture of the Barbarian, Roman and Christian elements in a state of imperfect fusion,—that they brought the vigour and wild energy of the Gauls face to face with the last remains of Roman greatness and luxury, kept in imperfect check by Christianity,—and that they treated of subjects not merely French, but universal in their interest, and indispensable for the historical student rightly to understand,—then indeed more attention would have been bestowed upon the work. We assure our readers that the 'Récits' contain this and much else,—that in spite of an unattractive title, few works are so attractive. To the general reader it is as exciting as a novel; to the student it is full of grave, important matter. The 'Dix Ans d'Etudes Historiques' is an interesting work to all interested in the author: it is a collection of his various essays on historical subjects, in which he put forth his first notions in all their adventurous imperfection. The preface, which gives an account of his studies, is manly and touching. Thierry's brother, Amedée, is also a writer of reputation; his 'Histoire des Gaules' is an authority often cited.

The remaining historians demand only a passing notice here; they do not claim our attention as having contributed on any large scale to the art or science of history. SISMONDI, the greatest, whose recent loss the world of letters deploras, brought to the task a zeal and patience which constituted him a giant amongst annalists. His 'Histoire des Français' is the most complete, as it is the most erudite and vast of all the general histories of France; but it belongs to the old school, in merits as in faults.

The popularity and voluminous mediocrity of M. CAFEFIGUE are not to be passed over in silence. The reputation he enjoys is not enviable: he is accused of inventing documents to suit his purposes, and has been convicted of misquoting his authorities. He uses history as a vehicle for



voluminous pamphleteering. Feudalism—a picturesque feudalism of grim barons clad in mail, and virtuous priests checking audacious vice—is the object of his impassioned regrets; and he loses no opportunity of comparing the feebleness, heartlessness and monotony of the present social life with the vigour, faith and variety of that of the middle ages. In fairness let us note that ‘Philippe Auguste’ is the least bad of his works; indeed it is, in some respects, not without considerable merit.

Passing over a host of diligent writers, more or less serviceable in their respective departments, but having no place on the summits of history, we come to MM. Mignet and Thiers, who claim notice as philosophical writers.

M. MIGNET has written a history, or epitome of the French Revolution, in two volumes. Every portion of it bears the impress of rigid compression—a quality the rarest now in all literature. The style is brief, rapid and aphoristic: the portraits are sketched by a few decisive touches: only the important events are introduced, and the narrative is sacrificed to philosophical disquisition: many of the remarks are admirable, and quite as many absurd. Mignet is dogmatic; he delivers an axiom, and seldom stops to defend or explain it. This style is well suited to his philosophy, renders it imposing and prevents its weakness from being apparent. When we have said that his philosophy is dogmatic fatalism, we have said enough for the reader to judge of its historical futility. Though it be superfluous here to demolish the sophistry on which such a doctrine rests, it may not be useless to cite an instance of its application. Robespierre falls, and the philosophy of his fall is, according to Mignet, this: “*Il faut alors qu’on tombe par ce qui a servi à vous élever: il faut, homme de faction, qu’on périsse par les échafauds, comme les conquérans par la guerre.*” If there be one thing more absurd than this reflection, it is the *il faut* which announces the dogma as an eternal necessity.

M. THIERS has adopted the philosophy of his friend, and published an improvisation of the History of the French Revolution. Brilliant as an improvisation, it is almost worthless as a history; its inaccuracy is so excessive, its philosophy so absurd. But it has literary merits,—animated style, effect-

ive rhetoric, theatrical grouping and shrewd remark. It became popular at once,—one certain sign of inferiority in a grave work.

Those who wish to see the errors and crimes of the Revolution excused as abstract necessities, and not as human failings, from the study of which great lessons may be drawn; those who, grateful for the good which that outburst has accomplished, would fain have the dark side draped from view by an imposing, terrible '*il faut*,' and would have all its errors justified according to the ways of Providence and the new school of philosophy,—those persons will accept Mignet and Thiers as historians, and only those. But what a madness is noble endeavour,—what a mockery is humanity in its 'afflicted will' struggling against wild instincts and brute passions,—what a futile labour is philosophy, if all history can be rightly explained by an '*il faut*'! Burn the pen, shut up the book, still the eager throbbing brain, O youthful student! Enjoy the present,—the future is not; and the past has but one word which you can read, in resignation or despair,—'ΑΝΑΤΚΗ.

Fortunately history is not to be thus explained: fortunately the doctrine of fatalism is a mere sophistical abuse of language, which leaves the disciple just where it found him, and those who desire fruitful conceptions will not be led astray by its delusive formulas. We have endeavoured to show that history is subject to certain laws, the knowledge of which though difficult is possible, and that a science is in process of organization which must eventually produce important results for society.



## ARTICLE IV.

1. *Report of the Commissioners for inquiring into Bankruptcy and Insolvency.* Presented to both Houses of Parliament by command of Her Majesty, 1840.
2. *An Act for the Amendment of the Law of Bankruptcy.* 5 & 6 Vic., cap. 122. Royal Assent, 12th Aug. 1842.
3. *An Act for the Relief of Insolvent Debtors.* 5 & 6 Vic., cap. 116. Royal Assent, 12th Aug. 1842.
4. *Rules and Orders made in pursuance of the above Acts.* 12th Nov. 1842.

THE state of the law of Debtor and Creditor in a nation is no mean test of the actual stage of civilization to which the people of that nation have attained; and in commercial communities especially, certainty and promptitude in the enforcement of contracts are matters of primary necessity. Certainty is the soul of commerce. The vast and complicated system of credit which prevails in this country could only be sustained by laws fitted to secure a literal performance of the engagements by which traders are successively bound to one another; and the comparatively small number of instances in which resort is had to the law to compel the fulfilment of contracts between solvent parties, proves that, upon the whole, our law of debtor and creditor is well adapted to provide the required security. But there is another large division of the subject where the law has hitherto been in a state by no means satisfactory. In all that numerous class of cases where the person who has engaged to pay money is unable to perform his contract,—in cases of bankruptcy and insolvency,—the law, until a recent period, has been utterly disgraceful to a civilized and commercial nation.

In earlier times, when the commerce of Europe was in its infancy, the profits of traders were large, consisting mainly in payment for the personal labour and risk of buying goods in one country and transporting them to another; the capital employed was small, and,—dangers of imperfect navigation and exactions of “barons bold” being escaped,—the returns were certain. Bankruptcy, or inability to perform pecuniary en-

gagements, was then deemed, and not altogether unjustly, an actual crime.

In the commercial cities of Italy a trader who became insolvent was imprisoned, and his bench (*banco*) in the exchange broken (*rotto*), with every mark of contumely and disgrace, whilst his creditors took possession of his effects, which were divided amongst them. Though something of the same kind probably prevailed amongst merchants in this country, most of whom were foreigners, the law recognised no other means of satisfying a trader's debts than the application of his effects upon the seizure of them at the suit of individual creditors, or by the actual imprisonment of his person under process also issued at the instance of particular creditors. In this state of the law it was obvious that a few creditors might get paid in full and exhaust the effects of the insolvent trader, whilst others, equally meritorious, would get nothing. In the reign of Henry VIII. the growing commerce of England loudly called for a remedy of this evil, and accordingly in 1542 we have the first bankrupt-law (34 & 35 Hen. VIII. c. 4.), intituled "An Act against such persons who do make Bankrupt." This act was conceived in the severe spirit of the times. The most stringent means were authorized to secure the person and property of the insolvent trader, who, being very often a foreigner, was always suspected of a design to escape out of the kingdom; and, although he was deprived of his all, which was divided amongst his creditors, they might still sue him for the deficiency—he was left entirely at their mercy.

This act was, however, expressly directed against fraudulent traders, persons who, in the words of the preamble, "craftily obtaining into their hands great substance of other men's goods, do suddenly flee to parts unknown." The "bodies," as well as the lands and goods of the "offenders," were ordered to be taken by the direction of the lord chancellor and the other high officers of state named in the act. Powers were given for examining the "offender's" debtors, as well as all persons suspected of having any of his goods in their possession; and full disclosure was enforced by a penalty of double the value of the concealed goods, to be distributed amongst the bankrupt's creditors. The same forfeiture was



inflicted upon persons claiming fraudulent debts against the bankrupt; and collusive recoveries of the trader's effects were declared void as against his creditors, whilst he was himself rendered an outlaw if he did not "yield his body" within three months after proclamation made. It is curious to observe how little the principle of that law has been varied, notwithstanding the accumulation of details in subsequent bankrupt-acts. It might almost be said, that the modern acts have merely imported into statutes regulations which previously formed rules of practice.

Then came the 13th Elizabeth, c. 7, which recites that, "notwithstanding" the statute of King Henry "against bankrupts," "those kind of persons do still increase into great "and excessive numbers, and are like more so to do, if some "better provision *be not made for the repression of them.*" It is plain that the framers of this act had no idea that bankruptcy could ever be aught but the purposed and deliberate design of a dishonest trader: they never suspected that the increase of "those kind of persons" was one of the consequences, and a certain evidence, of the growth of the trade and capital of the nation: they never imagined that a failing trader could ever deserve sympathy or protection from the law. This act then defined and enumerated the persons who might be "deemed for bankrupt," and the acts of bankruptcy were considerably increased. The chancellor was authorized to issue a commission for the delegation of his authority in bankruptcy to "discreet persons,"—the original commissioners in bankruptcy,—and enlarged powers were given for the discovery and recovering of the trader's effects; but he was still expressly declared to remain liable to so much of his debts as had not been actually paid under the compulsory proceeding. A power was by this act given to the lord chancellor to fine and imprison all persons who should "wittingly help to hide and convey, or receive or keep secretly," bankrupts who had been demanded by proclamation. This enactment distinctly marks the criminal character of the whole proceeding.

In the following reign, two acts (1 Jac. I. c. 15, and 21 Jac. I. c. 19.) were passed for the relief of creditors against bankrupts, which, though partaking somewhat of the influences of ad-

vancing enlightenment and increasing commerce, still treated the bankrupt as a criminal. The act of 1 Jac. I. assumes that further power "is meet in such cases of deceit, to prevent the deceitful actions of bankrupts." By the 21st Jac. I. a bankrupt trader not discovering his goods, or "that cannot make it appear to the commissioners that he hath sustained some casual loss, whereby he is disabled to pay what he owed," might be indicted, and being convicted, "set in the pillory, and have one of his ears nailed to the pillory and cut off." No release or protection was by this act given to the bankrupt, and he was left, notwithstanding the forcible distribution of his effects, to all the consequences of unsatisfied demands. The severity of the law probably tended to multiply the cases of fraud and deceit so strongly alluded to in each successive act of parliament. The failing trader could have no hope but in escaping to another country with some fragment of his, or rather his creditors', property, or in concealing some portion of his effects, with a view to a future migration when practicable. In the majority of cases, he was consigned to perpetual imprisonment if he remained in England, and at all events was constantly exposed to be sued by a creditor who fancied something might be extracted by pressure. Such a man could do little or nothing for the support of his family; and the old Roman law, which enabled creditors to sell their debtor, his wife and children into slavery "beyond the Tyber," was scarcely less barbarous than that which left an unfortunate trader an outcast upon the face of the earth. In subsequent times the Romans had so far gone in advance of even the law of commercial England nearly until this hour, that the insolvent debtor who should without fraud make a *cessio bonorum* for his creditor's benefit was thenceforth free from personal molestation. And this is generally the law of continental Europe at this day wherever the civil law prevails. The retention of that barbarism, imprisonment for debt and all its train of evil, is a relict of feudality, or of that imperfect attention to commercial legislation which the feudal character of our legislature begot.

In 1705 an important enactment was made by 4 & 5 Anne, c. 7, in favour of the bankrupt, which declared that he should be discharged from his debts on making a full disclo-



sure and discovery of his effects and conforming to the bankrupt-law, such disclosure and conformity being certified by the commissioners to the lord chancellor, who having heard any of the creditors who thought fit to oppose the bankrupt's release, in opposition to the certificate, was to allow it or not, according to the circumstances of the case. This act was only temporary, and it proved to be too far ahead of the opinions of the trading classes to be renewed, for by the 5 Geo. II. c. 30, the consent of *four-fifths* in number and value of the creditors who had proved their debts under the commission, was made a necessary preliminary to the allowance of a bankrupt's certificate. The evil consequences of adopting this erroneous principle, by which injured creditors are made judges in their own cause, will be developed in the sequel.

During the reigns of George II., George III. and George IV., numerous acts passed for the amendment of the bankrupt laws, and various minor improvements were made, but they all seem to have fallen short of the exigencies of trade, and to have been so considered by our more enlightened lawyers and traders. In 1809 Sir Samuel Romilly proposed to withdraw from creditors the power they possessed, without any control, of refusing a certificate to the bankrupt; and he then stated very strongly the mischiefs of that system, which it has required thirty-three years of subsequent experience to get rid of, and which till now have been in full operation. Sir Samuel Romilly said,—

“Paradoxical as it may appear, it is not less true, that certificates are more frequently withheld from the candid and honest than from the fraudulent bankrupt. They are often withheld by some rapacious creditors for the purpose of extorting money from the friends, perhaps from a son, a brother, or a father of the bankrupt, and thus of securing to themselves undue advantage over the other claimants.”

This forms a direct temptation to the bankrupt to secrete property for the purpose of bribing an obdurate creditor, and leads to other immoralities, no less injurious to creditors than to the general well-being of society. No other change has been effected in this part of the bankrupt-law until the present time, than that of reducing the proportion of the creditors necessary to consent to the certificate after six months have elapsed, to *three-fifths* in number and value, or *nine-tenths* in number only.

But if the operation of the bankrupt-law was unjust towards insolvent traders, it was not less injurious to the interests of creditors. Originally the commissions were directed to any barristers or other persons who might be nominated by that creditor of the insolvent at whose instance the commission of bankrupt issued, and such continued to be the actual system in country bankruptcies up to a very recent period. But in London all commissions were directed to one of fourteen lists of commissioners, each list comprising five practising barristers; and these lists contained men of every degree of knowledge—or want of knowledge—from the eminent bankruptcy counsel, Mr. Basil Montagu, down to the youngest barrister who had interest enough to get appointed to such an irresponsible judicial office. They were paid by fees at each sitting. Doubtless there were many able men amongst the old London commissioners, but they were usually too much occupied to give any one bankruptcy proper attention; for the commissioners who sat as judges on commissions directed to their own list, acted as counsel before any other of the lists; and all were subject to the temptation of multiplying the number of sittings for the sake of increasing the fees. That such judges would be likely to exert any very effective control over solicitors' costs can scarcely be conceived; and accordingly we find that creditors believed, and too generally found, the bankruptcy of their debtor to be nearly synonymous with a total loss of their debts. The appeals from the commissioners were so numerous as to occupy an enormous portion of the time of the Court of Chancery, to the serious detriment of the equity suitors and the additional discredit of the Court of Chancery itself,—a court which had sins enough of its own to answer for.

In 1825 a complete revision of the bankrupt-law took place; an act (6 Geo. IV. c. 16.) was passed,—framed, we believe, by the late Lord Henley,—by which all the old statutes were repealed, the best parts of them were re-enacted, together with a great many new provisions, and a much improved course of procedure was provided. Little advance was made towards more enlightened principles of law, though the existing practice was much simplified. This act, modified by several subsequent laws, and particularly that by which the Bankruptcy



Court was created, forms substantially the existing bankrupt-law.

In 1831 a great advance was made by Lord Brougham's act "to establish a Court of Bankruptcy"; this replaced the London lists of commissioners by four judges, constituting a Court of Review or appeal, to the great relief of the Court of Chancery; and six able barristers were appointed permanent commissioners, before one of whom all the original proceedings in a bankruptcy were to be taken. These commissioners are practically the judges, and are paid by salaries. Attached to the court of each commissioner were three accountants, under the title of official assignees, one of whom was to be nominated as an assignee of each bankrupt's estate, in conjunction with those chosen by the creditors. The official assignee was alone to receive the money got in from the estate, which he was required immediately to pay into the Bank of England under regulations framed by the Bankrupt Court. By one of those strange anomalies with which our legislation abounds, the system which had been found so inefficient in London, viz. that of lists of commissioners paid by fees, had no sooner been displaced in the metropolis than it was transferred to the country, with this additional infirmity, that the majority of each list consisted of local attorneys. All the objections to the old London lists applied with twofold force to the new country lists. The temptation to multiply meetings was greater; the chance of the solicitor's bill being taxed effectively, either by the local barrister (whose client the solicitor probably was) or by his neighbour and brother solicitor, was infinitely less; whilst the assignees in country bankruptcies were absolutely without control. This system is universally condemned by the witnesses examined before the Commissioners of Inquiry. The London Court of Bankruptcy, which had jurisdiction over all bankruptcies within forty miles of the capital, has been greatly if not entirely successful. The Court of Review has had so little business, that one of its four judges having died and two others having been drafted off,—Sir Thomas Erskine as judge of the Common Pleas and Sir George Rose as a Master in Chancery,—the remaining judge finds that about two days' work in each week, upon an average, will keep down the busi-

ness of his court. The Commissioners' Courts have been most efficient. Open to summary applications, and all the ordinary business in bankruptcies being conducted before them without form by solicitors, the judgments of the Commissioners have commanded the respect of the mercantile community. The institution of official assignees, though not so universally liked by creditors, has been highly beneficial, both in getting in the effects and in checking that litigious spirit which creditors' assignees, influenced by irritated feelings, were wont to betray. And when effectual checks have been placed upon them to prevent the possibility of defalcations, there is no doubt that the system will find increasing favour with the public. Before we advert to the 'Report on Bankruptcy and Insolvency' which has resulted in the two acts of parliament standing at the head of this article, it will be useful to the general reader, and conduce to the elucidation of the evidence appended to that Report, to give a succinct outline of the present method of proceeding in bankruptcy and insolvency; and then to state the broad general principles upon which the laws relating to insolvents should be founded. We shall see how far the opinions of the trading and professional classes, as evidenced by the many intelligent witnesses who were examined before the Commissioners, conform to those general principles, glance at the state of the law in other countries, and consider the extent to which the present changes in the law have gone towards, and where they have fallen short of, sound principle.

The following is an outline of the proceedings in bankruptcy. When a creditor proposes to render his debtor a bankrupt, he makes an affidavit of his debt, which is lodged with the Lord Chancellor's secretary of bankrupts, and executes a bond to the Chancellor in the penalty of 200*l.* conditioned for proving, wheresoever it shall be required, the debt, trading and act of bankruptcy, which are the requisites for giving the Court jurisdiction. The creditor at the same time presents a petition on behalf of himself and the other creditors of the debtor, praying for the Chancellor's fiat authorizing the petitioner to prosecute his complaint in the Bankrupt Court.

To constitute a good petitioning-creditor, the debt must



amount to 100*l.*, or two persons whose united debts amount to 150*l.*, or three whose debts are 200*l.* may join in petitioning for a fiat and in prosecuting the bankruptcy. Upon this occasion the petitioning-creditor pays a sum of 10*l.*, which is handed over to a fee-fund, provided for the purpose of keeping up certain sinecure annuities, amounting altogether to about 13,000*l.*, payable to a descendant of Lord Thurlow and other persons. This, together with a further sum of 20*l.*, which is paid to the same fund in a subsequent stage of the proceeding (namely, upon the appointment of creditors' assignees), is felt by all suitors in bankruptcy to be a grievous and unjust burthen. We shall not embarrass the subject by noticing the variations of detail which are caused either by the debtor or the creditor being in partnership, or when the fiat is to be executed in the country, but we shall assume the case of a single trader prosecuted to bankruptcy by a single creditor before the best existing tribunal, the Court of Bankruptcy.

The petitioning-creditor's solicitor having obtained the fiat, must register it at the Bankruptcy Court within seven days of its date, and procure an appointment to "open the fiat" before one of the commissioners (to whom it is allotted by ballot) within fourteen days. If this be not done, a new fiat becomes necessary, and any other creditor applying for a fiat will be preferred to him who has proved himself remiss in prosecuting the previous one. The opening of the fiat is thus effected:—At the time appointed, which during the existence of the old lists of commissioners was, and is still in country fiats, called the *private* meeting, the petitioning-creditor attends before the commissioner and deposes on oath that the debtor alleged to be bankrupt owes him 100*l.*, stating the particulars of the debt and any securities he may hold for its repayment. He then calls some witness (*not a creditor* of the bankrupt, who would be supposed to have an interest in making him bankrupt) to prove that the debtor is a trader within the terms of the statute, and a similar witness or witnesses to prove the act of bankruptcy. The persons who are traders, and consequently amenable to the bankrupt-laws, are so well known that it is only necessary to observe that, the following businesses, partaking of the character of trades, are those about which any

doubts have chiefly arisen, viz. farmers and graziers, who are expressly exempted from the operation of the bankrupt-law, but are frequently brought within its scope by purchasing cattle, not for the mere purpose of feeding them on their farms, but with a view of selling them again at a profit. These businesses have given rise to much litigation and contradictory swearing upon the question of trading, from the circumstance that a single act of buying and selling, *if there be evidence of an intention to continue it*, is sufficient to bring a person so dealing within the operation of the law. Brickmakers, workers of mines, attorneys, schoolmasters, livery-stable-keepers, limeburners, cowkeepers, millers, lodging-house-keepers, ship-owners, coach-proprietors, carriers, auctioneers, surgeons and apothecaries, are amongst those who have caused many nice legal distinctions in controverted questions of trading or no trading. Some of these difficulties have, however, been provided for by the new Bankrupt Act.

Various are the acts of bankruptcy a trader may commit; such as departing from his dwelling-house, or otherwise absenting himself, keeping within his house, departing from the realm, or being out of the realm remaining abroad, or suffering himself to be arrested for a debt not due, or suffering himself to be outlawed, or yielding to prison, or procuring his goods to be sequestered or taken in execution, or making any fraudulent grant of his effects, and other acts of the same kind, "with intent to defeat and delay his creditors." As in practice all or most of these acts *may* be very equivocal, it was frequently difficult for a creditor, hostilely seeking to make his debtor a bankrupt, to prove a plain unexceptionable act of bankruptcy; the most ordinary mode by which a creditor could compel an act of bankruptcy was to arrest the debtor on mesne process, when, after he should have lain in prison for twenty-one days, he would have committed a complete act of bankruptcy. By the abolition of arrest upon mesne process (1st and 2nd Vict. 110.) this prompt method of testing a trader's solvency was abolished, and in lieu thereof a power was given to the creditor to summon his debtor to the Bankrupt Court, and compel him to find bail to answer an action, or to satisfy or secure the debt.

This was by no means an effective substitute for the com-



pulsory act of bankruptcy which an insolvent was generally forced to commit when arrested and sent to gaol upon mesne process, and long before he could be taken in execution upon a final judgement his effects might be wasted or dissipated, or might have been taken in execution by individual creditors, to the injury of the body of creditors. In fact, since the 1st and 2nd Vict. c. 110, it had become difficult for a creditor quickly to make his debtor a bankrupt, without some concert between them. Upon this part of the subject the Commissioners of Inquiry make the following remarks:—

“ Since the abolition of arrest on mesne process, a test of insolvency, admitting of a speedy and cheap mode of proceeding for determining its sufficiency, has been much wanting.

“ This point has engaged our closest attention; we have endeavoured to consider it with reference to the interest both of creditors and debtors, and we are fully satisfied, after most mature deliberation, that the test of insolvency, or inability in a debtor to meet his engagements in the ordinary course of his business, which we shall now humbly propose to Your Majesty, will afford due protection to creditors, and will not in any way interfere with the just rights of the debtor.

“ We think that a creditor, having delivered the particulars of his debt to the debtor, and having demanded payment, should, upon filing an affidavit of these circumstances, and that his debt is justly due and remains unpaid, be entitled to a summons for the purpose of compelling the appearance of such debtor, and of ascertaining from him, upon his oath, whether he believes he has a good answer to the demand, or to any, and what part thereof.

“ The object is, that where a debt claimed, or any part of it, is clear and indisputable, and the debtor does not pay the admitted sum into Court, or to the creditor, or give security to pay within a reasonable time, such default should be taken as proof of insolvency, and such debtor should immediately become amenable to the law for the equitable distribution of his property, if his creditors desire such a course to be adopted.

“ But if, instead of admitting the validity of the debt on which he is summoned, the debtor believe he has a good answer to the demand, and will swear to such belief, the present law will take its course, and neither the person or property of the debtor will be interfered with until the creditor shall have established the debt and obtained judgement.

“ It is obvious that such a proceeding would be both very cheap and very expeditious, and at the same time more just towards debtors than the proceeding by arrest on mesne process was; for a debtor, when arrested, must have found bail or gone to prison, without having afforded to him any opportunity of denying a claim to which he might have had a just defence.”

—*Report*, pp. x. xi.

These suggestions have been adopted in the new Bankruptcy Act.

Upon the above requisites being proved to the satisfaction of the commissioner, the debtor is adjudged a bankrupt, and a messenger attached to the court takes possession of all his effects. The bankruptcy, with the dates of two meetings, one for the choice of assignees by the creditors, and the other for the "last examination" of the bankrupt, is then advertised in the gazette, and a personal protection against arrest is given to the bankrupt, which continues operative until after the period fixed for his last examination. The whole estate of the insolvent trader is thenceforth vested in his assignees, and he is required to render a full summary of all his dealings—technically called a balance-sheet—which, if satisfactory to the commissioner, enables the bankrupt to pass his last examination, and which forms a necessary preliminary to the allowance of his certificate. But if from any cause the commissioner refuse to permit the bankrupt to pass his examination, he cannot then obtain his certificate. This certificate must, as before mentioned, be signed by four-fifths in number and value of the creditors who have proved their debts under the bankruptcy; and being then allowed by the commissioner and the Court of Review (and in the absence of special opposition it is allowed as of course), it operates as a discharge to the bankrupt from all debts due from him at the date of the fiat of bankruptcy. But any creditor may refuse to sign the certificate, and if more than one-fifth in number and value do refuse, the bankrupt is uncertificated and can acquire no property, as all his future acquisitions vest absolutely in his assignees. Of course few men so circumstanced can acquire property. This also applies in a great measure to the insolvent law, under which persons imprisoned for debt, whether traders or not, are discharged from personal confinement, but remain liable, under certain restrictions, to have all their future property seized for division amongst their creditors. Here we cannot more briefly state the distinction between the bankrupt and insolvent laws than in the words of the Report, which says that the one "is confined to traders comparatively deeply involved, whom it protects from personal restraint;



"whilst by the other those who have contracted debts to a smaller amount must undergo imprisonment." The injustice to debtors and the uselessness to creditors of this distinction is strongly enforced.

"The Common Law Commissioners bear testimony to the injustice of the distinction by which small traders are excluded from the operation of the bankrupt-law. They say that 'imprisonment in the case of a trader is inconsistent with the spirit and policy of the bankrupt-laws, and that it cannot but be regarded as a hardship on an honest and industrious tradesman, who does not owe debts of sufficient magnitude to bring him within the scope of the bankrupt-laws, that he should be subject to imprisonment until the absence of fraud shall have been ascertained by examination and inquiry, whilst another, merely because he is more deeply in debt, should enjoy security from imprisonment, unless fraud be proved. It is not that we think that the bankrupt-law is too indulgent in this respect, but that the distinction made between the merchant and the humble trader, in allowing liberty to the one and taking it away from the other, pending inquiry, on a presumption that the one is honest and the other fraudulent, is not warranted by any principle either of justice or expediency.'

"It has been taken for granted, that those who generally pass under the operation of the Act for the Relief of Insolvent Debtors are persons, not being traders, who have contracted debts from improvidence, and that those who actually come under the operation of the law of bankruptcy are persons who, by the inevitable vicissitudes of mercantile affairs, are reduced to a state of insolvency. The greater proportion, however, of those who pass through the Insolvent Debtors' Court are persons *not* contemplated by the Act for the Relief of Insolvent Debtors, but are persons of the description contemplated by the law of bankruptcy, only trading on a smaller scale than those who are usually made bankrupts.

"We see no grounds for supposing that debts are contracted more improvidently by the small than by the more extensive traders. We find that about two-thirds of the persons who petition the Insolvent Debtors Court for relief are persons who come within the policy of the law of bankruptcy, and both as regards their own protection and the remedies of their creditors, are as much entitled to be brought under the operation of that law as the comparatively richer trader."—*Report*, p. viii.

It seems that about two-thirds of the persons who come under the operation of the insolvent laws are traders within the meaning of the bankrupt laws; and the unfairness of the distinction which visits minor traders with the most grievous disability under the former, whilst richer or more adventurous speculators usually obtain a complete discharge under the action of the latter, is alluded to in the Report.

"A large class of traders who were of opinion that the proceeding by arrest on mesne process might safely be dispensed with, if more efficacious

and speedy means were to be provided for getting at the property of the debtor, are also of opinion that a debtor, on a cession of his property, should, by the consent of a certain majority of his creditors, be entitled to a total discharge from future liability.

"Many persons also who were advocates for the power of arrest on *mesne* process, consider that the bankrupt and insolvent debtor are placed upon an inconvenient inequality:—'There can be no doubt,' says Mr. Serjeant Stephen, in his Supplementary Paper to the Fourth Common Law Report, 'of the truth of the remark made by some of the witnesses whom we have examined, that the liability of the after-acquired estate, though rarely productive to creditors, is apt to paralyze the future exertions of the discharged insolvent and to throw a gloom over the rest of his days.'

"The future liability of all insolvent debtors is, in our opinion, a most unjust and impolitic law:—The Insolvent law, after interrupting a man in his business, taking all his property, imprisoning him until his place in business is occupied, and then turning him out destitute, a proclaimed insolvent and unworthy of trust, nevertheless expects him at some future time to acquire property which he is to give up for distribution amongst his creditors. The practical result is, that he makes no exertion beyond supplying his daily wants, and too frequently becomes a permanently degraded character; his family are brought up ill; hence society loses, and the creditors do not gain. An honest industrious man, who has been discharged as an insolvent, beginning anew without capital, with diminished chance of obtaining credit, with broken spirits, and health probably impaired, necessarily labours under such disadvantages in competition with others having capital and credit, that he must be considered as a successful man, if he can barely get his living and bring up a family.

"Great traders, on the contrary, are not subject to this regulation, for they are always made bankrupts, and are discharged from future liability, although such men often are able afterwards to acquire property, which insolvent debtors, being in a lower class, rarely are."—*Report*, p. ix.

This is important evidence upon the question, to which we shall presently advert, namely whether, under any circumstances, the future property of an insolvent debtor or a bankrupt should remain subject to the demands of his creditors at the time of his insolvency.

As our actual system of bankrupt law grew out of the enactments of earlier ages against fraudulent traders, to which the distribution of the bankrupt trader's effects was only an incident, so the division of the property of a discharged insolvent debtor, in the rare cases where there is any property to be divided, forms a mere accessory to the humane purpose of the legislature in putting limits to the power which a vindictive creditor possesses over his debtor by the incarceration



of his person. By the modern act of parliament before referred to, by which arrest upon mesne process was abolished, (an act which was originally framed with a view to the total abolition of imprisonment for debt,) great improvements were effected in the law applicable to insolvent debtors. Under that act the course of proceeding is as follows:—As soon as any person imprisoned for debt, who may petition to be discharged as an insolvent, shall have filed a schedule of his pecuniary transactions, he is at liberty to apply to the Court to be discharged on giving bail for his appearance at the time and place appointed for the hearing of his petition; and if satisfactory sureties be offered, the insolvent's discharge on bail immediately takes place. In the interval between the discharge on bail and the hearing—usually about six weeks—any creditor may inspect and copy the insolvent's schedule, and at the hearing may attend either in person or by counsel to oppose his discharge. The legal grounds of opposition are, the fraudulent or improvident contraction of debts, or vexatious opposition to the demands of creditors, or unjust preferences to particular creditors, and other similar acts of misconduct. Such ground of opposition being successfully established by the creditor, the Court may remand the insolvent to prison for a period of two years, or any less time, according to the circumstances of the case. If no opposition be made, or, if made, no sufficient case for a remand is made out, the insolvent is discharged, and is for ever free from personal arrest in respect of all his debts set forth in his schedule. All his property passes to the provisional assignee of the Court, and the insolvent previously to his discharge executes a power of attorney to such provisional assignee, enabling him to enter up judgement for the whole amount of the debts contained in the schedule. The discharge under the Insolvent Act forms no release from the debts, to which the insolvent remains always liable. Any creditor may at any time set the provisional assignee in motion against the debtor by applying to the Court, and showing that the debtor is really or apparently possessed of property: he can never make a title to property which may devolve upon him by succession subsequently to his discharge; and though the produce of his daily labour cannot be taken from him so long as he immediately expends

it, yet the slightest saving beyond the amount necessary to pay debts incurred after his discharge will be at all times applicable towards the payment of his previous debts.

As a *quasi* criminal court, there is no doubt that the Insolvent Debtors' Court occasionally visits with punishment unprincipled men, who, contriving to avoid the perpetration of offences strictly criminal, are yet as morally guilty of dishonesty as the cheat or the pickpocket. Apart from such exceptional instances, the Insolvent Court is only useful to counteract, or rather to modify, the injustice committed on debtors through the power of imprisonment. Let imprisonment for debt cease, and the Insolvent Court will be no longer necessary. Whenever an insolvent debtor shall either voluntarily come, or be compulsorily brought, before the Bankrupt Court, there declare his insolvency, and fairly disclose and surrender all his effects, he ought to be at once and for ever discharged from his debts. This will be found to be, in the long run, the interest of creditors no less than of debtors.

In this country, and probably in all modern communities, creditors are of two classes,—those who give credit in the ordinary course of business, such as bankers and bill-brokers, merchants, manufacturers, wholesale dealers, and so forth; and those who seek to make extraordinary profit by lending money at a high premium to persons permanently or temporarily embarrassed, as bill-discounters, the lower class of attorneys—characters often united—or tradesmen who give credit on the faith of apparent respectability or of the debtor's connexions. It is to meet the transactions of the first class only that the law of debtor and creditor can be legitimately framed. Such creditors are commonly circumspect in their dealings, limiting their credit to the extent of their debtors' known means and character for prudence; and though they do not altogether escape occasional losses by insolvency, it seldom happens that gross fraud is practised towards them by their debtors, or that severity on their part is deemed necessary. Such creditors are generally inclined to accept a fair composition from an embarrassed debtor; and in the event of bankruptcy or insolvency, on being satisfied with the good faith of their debtor's transactions, they are more inclined to assist him over his difficulties, than to add to them by harsh-



ness or extortion. Not so the second class of creditors: they are essentially selfish; the whole scheme of their dealing with the debtor is to extort from him, under the pressure of immediate difficulty, the uttermost farthing he will consent to pay for the hope (too often delusive) of escape from ruin. These men have no scruples; they would destroy in a moment the prospects of their debtor, and annihilate the means of paying all the rest of his creditors, if they could thereby secure themselves, and a moderate per-centage upon their *nominal* debts is commonly amply sufficient to protect them from actual loss. They are the vampires of the commercial world, whose touch is poison and whose breath is death. They are usually the instigators of those irregular proceedings by which a weak man, in the last hour of falling credit, too often forfeits his character for strict integrity. If they fail in securing to themselves an advantage over other creditors, they are invariably inveterate against an insolvent who has been unlucky enough to get into their clutches. It was to creditors of this class that Sir Samuel Romilly referred when he said, "Certificates are more frequently withheld from the candid and honest than from the fraudulent bankrupt;" for in their eyes no debtor is honest who does not cheat others for their benefit. Such men are always the advocates of imprisonment for debt and other means of coercion, which must of necessity assume fraud on the part of the debtor.

Now we believe that deliberate fraud is seldom contemplated by insolvents even in transactions which after their insolvency frequently bear a very suspicious appearance. Except in cases of reckless speculators, the causes of a trader's insolvency are generally to be traced very nearly to the commencement of his career. Often he has undertaken a business sufficiently profitable in itself, but to which his capital is inadequate; sometimes he has given too much for the goodwill, or has overlooked the effect of competition, or has made other miscalculations which he can no otherwise rectify than by winding up his concerns and commencing anew. In the present state of the law such an attempt would be ruin. Knowing as we do the obstacles to such early adjustments, which are to be found in the obloquy attending a bankruptcy, or in the certainty that some rapacious creditor would, upon the slightest

indication of failure on the part of his debtor, take measures for his own advantage in total disregard of the interests of all other creditors,—and recollecting the confidence every man has in his own good fortune, we are not surprised that in the existing state of the law, a trader, who properly ought to have no creditors but of the first class, should seek to prop up his failing fortunes by recurring to the delusive assistance of the second. Yet this is the first false step. Accommodation-bills, discounted at ten, twenty, forty, and even sixty per cent., fix upon the unhappy trader some “old man of the mountain,” some extortionate usurer, under whose influence the proceeds of the credit given by fair creditors are swallowed up. From that period the trader has no resting-place whence he can contemplate an arrangement of his affairs, until, device after device for the support of his credit having failed, he becomes involved in a web of entanglements and perplexities only to be unravelled by the accidental blow which drives him into the gazette a suspected, if not a dishonest, bankrupt.

In order to frame a perfect bankrupt-law (and in that term we intend to include all cases of insolvency), we must completely separate the civil from the criminal functions of that hitherto anomalous jurisdiction. Prompt and efficacious methods for the equal division of his effects amongst his creditors must be afforded to the embarrassed trader, whilst similar means of testing the solvency of a trader becoming irregular in his payments should be afforded to his creditors. If a trader be in fact insolvent, the sooner that fact is made known to his creditors and himself, the better it will be for the pecuniary interests of the one party, and the reputation, and consequently future prospects, of the other. Such an adjustment being made, the debtor should be free from all legal liability. The courts having the administration of this branch of the law should be entrusted with all the powers requisite to carry out its objects: they might either permit the ordinary routine of a bankruptcy, or they might adopt and enforce an arrangement proposed by the insolvent debtor and any portion of his creditors, if under the circumstances it should appear to be fair and equitable. They should compel the discovery of all transactions between the debtor and other persons which have any bearing upon the state of his affairs, and regu-



late and control the collection, disposal and division of his assets ; but, except for the enforcement of their own orders, they should have no criminal or *quasi* criminal jurisdiction. They should have no authority to grant or withhold from the debtor a discharge from his obligations, an authority under which a greater amount of punishment may be inflicted than is apportioned by the criminal law to crimes of the deepest turpitude. The artificial distinction between a trader or non-trader insolvent should cease, and all persons indebted beyond their means of payment should be made subject to the powers and become entitled to the benefits of an adjustment and distribution under the authority of a competent tribunal. That disgraceful remnant of barbarism—imprisonment for debt—should no longer stain our statute-book and pollute the morality of large classes both of debtors and creditors. If this were the state of the law, honest and embarrassed men would no longer make such desperate struggles to avoid bankruptcy, but would rather court an early investigation and arrangement of their affairs, before falling into the hands of money-lenders, or becoming victims to the waste and extortion of legal processes. That the honourable class of creditors would benefit as much by such an amended system as the opposite class would lose, there is no question, whilst much individual misery and social immorality would be prevented. Deliberate acts of fraud upon creditors should be made punishable, on indictment, by the ordinary criminal tribunals of the country, when a consideration of the facts upon which fraudulent intention might be presumed would become the province of the jury and the measure of punishment would be apportioned by an impartial judge. Such were the views disclosed, with more or less distinctness, by nearly all the intelligent witnesses examined by the Commissioners of Inquiry ; and although not adopted to the full extent in the Report, were very generally acceded to by the Commissioners. We have before referred to the summons of the debtor proposed in the Report as a test of insolvency, and the following passages in support of that plan conform very nearly, so far as they go, to the principles we have laid down :—

“ It has been objected, that if a cheap and speedy remedy were given to creditors to compel debtors to pay, the result would often be, that persons

in temporary difficulties, but undoubtedly solvent, would be compelled to become bankrupts, and consequently be deprived of all their property; whereas, if they could have deferred the discharge of their creditor's claim, they would have ultimately paid twenty shillings in the pound, and have had a surplus.

"We believe such cases would be exceedingly rare; and even if it were expedient to frame the law in order to meet such exceptions, there is nothing in the proposed alteration that has a tendency to render creditors more severe to their debtors, or less inclined to study their own interests.

"A creditor desires the payment of his whole debt, or good security for such payment; and whilst he has any prospect of getting either payment or security, he is not likely to take any steps which will drive his debtor to a general distribution of his property. When time is to be granted to the debtor, we think it should be by arrangement with the creditors.

"The real question appears to us to be,—whether it be a just principle that the rights of creditors should be enforced with as little expense, delay, and uncertainty as possible?"

The Commissioners also say that it has been "objected that "the proposed proceeding would have a tendency to procure "payment to a single creditor in full, to the prejudice of his "other creditors;" to which they answer, that, unless bankruptcy intervene, this is the object the law contemplates.

"In further answer to this objection it may be stated, that, as the law now exists, a debtor may with perfect security give preferences to any extent; he has only to give a hint to the favoured creditor that his affairs are embarrassed, and if the creditor sue out a writ, or write a threatening letter, a payment to him is perfectly valid; and such preference may be completed in one hour; consequently, as to voluntary preferences, this alteration of the law would not act injuriously, but, in truth, it would be the greatest obstacle to such preferences.

"At present a debtor, who is insolvent and wishes to give preferences, resists the hostile creditor's just claim, in order to prefer the favoured creditors; and it frequently happens, that from preferences and other frauds, the hostile creditor receives no satisfaction and is burthened with heavy costs; but if the creditor had the power to summon his debtor before a judge, the debtor would not be able to delay the hostile creditor, and must either satisfy him or declare himself insolvent, and surrender his property to be equally divided. In the short time that would elapse, the debtor, if dishonest, would have less opportunity for giving preferences or committing other frauds."

Again:—

"It has also been urged that the course of proceeding suggested would be productive of perjury. In no case could perjury be feared, or be advantageous to the debtor, except when there was no evidence of the debt



but the creditor's oath, or when the debtor was about to abscond and defraud his creditors. It is incredible that any sane person should swear (unless under the circumstances stated) that he believes he has an answer to a just debt, when he is aware that the existence of the debt can be easily proved. Indeed a man must be strangely abandoned to all shame who would do so under any circumstances; and under the practice now existing in the Court of Bankruptcy of summoning debtors, we know from experience that men, answering in person in the face of a court, will rarely, if ever, speak falsely on such a subject. In some thousands of cases which have come before Your Majesty's Commissioners of the Court of Bankruptcy, there have scarcely been a dozen where the debt has been absolutely denied, and a much smaller number in which such denial was believed to have been false. The summons generally produces immediate payment without personal appearance, and in the comparatively few instances in which the parties do attend, their answers resolve themselves into pleas of inability, or applications for time. In fact, the experiment of the effect of personal summons has been extensively tried, and has most extensively succeeded. The case of a creditor, having no evidence of the debt but his own oath, must be exceedingly rare; in such case the fault is with the creditor, and admits of no remedy in the courts of law, while the resort to a court of equity by bill of discovery proceeds upon the principle we are here recommending. If there be probable cause for believing that the debtor is about to abscond, a judge would allow him to be held to special bail.

"It appears to us, that in the great majority of cases the plan suggested would be advantageous both to creditors and debtors. It would ensure to the former the speedy discharge of an *undisputed* debt in all cases where the debtor was solvent; or if the debtor were in a state of insolvency, it would relieve him from a fruitless struggle against his difficulties, and from the temptation to irregular transactions to which such struggles constantly tend; and by giving to the creditors a better dividend and the assurance of equal justice, it would induce that humane and indulgent spirit towards the debtor, which would the better enable him to re-establish himself in the world with a creditable character."—*Report*, pp. xi. xii.

So strongly were many of the most experienced witnesses impressed with the advantage to creditors of inducing insolvents to make early arrangements, that they suggested various changes of name for the Bankruptcy Court. Mr. Parker, a London solicitor of great practice in bankruptcy, proposed to call the court, before which all matters of insolvency came, the "Court of Commerce," or the "Court of Commercial Justice," and observed, "I always thought such titles as the 'Court of Bankruptcy and the Insolvent Debtors' Court' were terms of reproach at least to some party concerned in 'them; and it is difficult to say that such terms do not in

"some degree detract from the dignity of those who are placed in authority over them."

"Are you of opinion that the name of 'Bankruptcy' or 'Insolvency' deters persons from resorting to the court, who might otherwise be induced to come to it?—I think it may, and I think it is also a stigma on an unfortunate man obliged to come.

"Probably, if those names were changed, some cases of arbitration and others might be brought into the court?—I have no doubt in many cases, where arbitration is now resorted to by parties who would come to this court."—*Parker, qq. 29, 30.*

Mr. Scrope Ayrton, one of the deputy registrars of the Bankruptcy Court, concurred in the same suggestion; and another witness proposed to call the court "the Court of Accounts." Mr. Isaac Sewell, an eminent solicitor practising in London, also says:—"My opinion, in relation to bankruptcy, looking to the security of the creditors as well as the fair protection of the debtor, is this,—that the benefit of any system will depend upon the inducement held out to debtors to make a fair distribution of their property as soon as they become involved, and the certainty of punishment to those who do not."

"In your experience, have you found that many men have gone on in misery, struggling for years after they had found themselves insolvent?—I have known men go on for many years in an insolvent state, knowing their insolvency all the while.

"Is there not very considerable expense and difficulty in bringing a debtor into such a situation as to enable you to carry him before any court?—There is a difficulty.

"Has it occurred to you to find any remedy for that? If a man has dishonoured his bills of exchange a certain number of days, would you hold that sufficient to call him before the court?—I think there ought to be the power of calling any man in that situation before a competent court of inquiry. I look to the moral effect produced upon insolvent men who go on year after year, with bankruptcy staring them in the face. They become very different characters from what they would have been had they been induced to come and surrender themselves at once."—*Sewell, q. 664—666.*

The same witness also proposes that in certain cases the powers of the court should be extended to compel creditors to give time to their debtors. He instanced professional men, and mentioned the following case:—

"There is another suggestion,—whether the Commissioners should not have the power, in all cases in which they thought fit to exercise it, to



summon the creditors with a view to inquiring whether a letter of licence should not be given to the debtor. I had a case very lately; a most respectable man, who, from disappointments, required time. There were not more than ten creditors; they all gave him a letter of licence for four years, except one, who took proceedings and got his money, to the prejudice of the rest. That is a case in which I think a letter of licence might very beneficially have been allowed.

*“Mr. Commissioner Law.*—Would it not be difficult to exercise that sort of discretion in case the creditors did not attend?—If the creditors are summoned and will not attend, they cannot complain. If this gentleman had been forced into the Gazette, they would never have got a shilling, for he depends entirely upon his income; he has given a security to pay out of his income, with which all but one were satisfied.

*“Mr. Commissioner Fonblanque.*—The law of debtor and creditor presses with peculiar hardship on professional men?—Very heavily indeed; it is in the power of any creditor to destroy a man.”—*Sewell, q. 688—690.*

Mr. Sewell likewise suggested that some alteration in the name of the Court might be usefully made. To the same effect is the evidence of Mr. R. Marshall, the bookseller and publisher, who says:—

*“I think that an official court to take estates in trust would be highly beneficial, and would not be considered a disgrace to the honest trader, who should be, as now, allowed to place his estate in trust; or if he found himself in insolvent circumstances, and preferred calling a meeting of his creditors, I think that the decision of a majority of them should bind the whole, which is not the case at the present time; and I think that, whenever parties are found to be insolvent, either by their own declaration or by a majority of their creditors, their property should be given into the possession of a properly authorized person, to insure that no improper use is made of it.*

*“Are you of opinion that, instead of taking the body, it would be better that the judgement-creditor should have the power of bringing his debtor before a proper tribunal?—Certainly. In reading over the eighth question this occurred to me. I think the commissioners should have the power to compel the immediate attendance of debtors, with their petitioning-creditors; and if the debtor can show reason why he should not be declared bankrupt, or require time to do so, it should be granted; but I think his property should, during that time, be in the possession of a messenger.*

*“Do you think it would be better that there should be power to summon and examine a debtor as to his property on behalf of a creditor, than giving the creditors the power of imprisoning his person?—I think it would.*

*“Do you think it would be satisfactory to the trading world, that when a matter is once in bankruptcy the proceedings connected with it should be administered by one jurisdiction?—That is decidedly my opinion. A*

question is proposed as to the name of the court. It strikes me that the name of Bankrupt is very obnoxious to those who are compelled to go to bankruptcy from misfortune, and if a distinction could be made between the honest trader and the dishonest one, it would be well if some term could be found milder than that of a bankrupt, for I am convinced that much disadvantage arises to estates by persons endeavouring to avoid being declared bankrupts from the dislike of the name. I know a case in which a most honourable man has been struggling for years to prevent his being declared a bankrupt, and that great disadvantage has arisen to his estate from the circumstance."—*Marshall*, qq. 825, 839, 894.

Mr. E. Lawrance, a London solicitor, also says:—

"I think where a bankrupt properly conforms himself, he should be declared by the commissioners entitled to his certificate; that the commissioner ought to have the power, with the consent of the majority in number and value of his creditors, to give him his household furniture, or any other reasonable gift, as was the practice under the old system. As to trust-deeds, I think that a certain majority, say four-fifths in number and value of the creditors under trust-deeds, should bind the dissenting creditors. No such power exists at present, and the consequence is, that when you have brought your trust-deed to a certain point, one or two creditors stand out, to use a commercial phrase, and thus upset a beneficial arrangement, or compel the insolvent to pay or pledge his future exertions. Merchants and traders of London would, in most cases, prefer winding up the affairs of their debtors in their own way, and without the interference of a solicitor, official assignees, or commissioners, except so far as the solicitor's assistance is required in preparing the trust-deed. I think that the creditors ought to have every facility given to them for that purpose, and that the trustees ought also to have the power of requiring the debtor to make oath to the truth of his accounts, and the creditor to verify his debt, if necessary, by summoning him before this court and examining him, as is now done in ordinary cases of bankruptcy. A very large number of cases will still remain for adjudication before this court; but I have found in my practice, which has been somewhat extensive in cases of this kind, that creditors will not come into the Court of Bankruptcy if they can possibly avoid it; and that if they can satisfy themselves after their own manner that the insolvent has made a fair statement of his affairs, and that he purposes to surrender all he has, they will at once give him his release and divide the assets; and that this court ought in cases of that kind to afford every facility to trustees who may require their assistance."—*Lawrance*, q. 902.

And this is common sense; for whenever a debtor and the majority of his creditors can agree upon an equitable plan of composition, it is a grievous hardship upon all parties that one or two obstinate creditors should be able to mar the whole arrangement.



Mr. Sweet, a solicitor of forty years' experience, says:—

"In what proportion, in your judgement, are fiats issued for the benefit of the bankrupt and with his approbation and consent, and how many hostile?—I should think (with the exception of fraudulent bankruptcies) the greater proportion of bankruptcies are of a friendly, but not fraudulent, description. I should say, as mere matter of opinion, at least three-fourths, and those are generally presented in consequence of the obstinacy of some one or more creditors, who are opposed to the general body. It has been made a great point in the commercial world to devise a mode by which an obstinate creditor should not defeat the wish of the general creditors. I do not know how that could be accomplished better than by calling all the creditors together for the purpose of assenting to, or dissenting from, the composition; and if the same proportion of creditors who can release the bankrupt by a certificate, namely four-fifths in number and value, should resolve and agree to the composition, the same effect should be given to the resolution as would be given under a certificate, without going through all the process of a bankruptcy or insolvency."—*Sweet, q. 1034.*

Mr. Kirkman, also a solicitor of much experience, carries out the principles of sound legislation more clearly than many of the other witnesses:—

"You are favourable to the system of trust-deeds, both at the instance of the creditor and at the instance of the debtor, under the superintendence of the court?—Certainly. The great difficulty we have to contend against with respect of trust-deeds is, that the trustees have not the power to require evidence in support of debts claimed against, or of compelling payment of debts due to the insolvent's estate; that power should be vested either in the Insolvent or Bankrupt Court. I have reason to believe that very improper debts receive a proportion of the distribution, to the injury of other parties having a claim to the whole of the property.

"*Mr. Commissioner Law.*—Referring to those who are not traders within the bankrupt-law, is it your opinion that there should be an easy process, to be called a *cessio bonorum*, that can readily be obtained by either debtor or creditor?—I do think so.

"Do you think that any gentleman who owes a good deal of money, and has nothing to pay it with, ought to be able, with little trouble and without previous molestation, to apply, at his own convenience, for such a process?—I do.

"You think there should be a facility for such persons getting rid of their debts?—The greatest facility; of course subject to further observations as to the power of the court over persons who improperly contract debts. *I would have some security, in the shape of punishment, for the public, in that respect.*

"*Mr. Commissioner Fonblanque.*—Are your opinions favourable or unfavourable to the system of imprisonment for debt?—Unfavourable, and for this reason,—*I never yet saw an instance of a man being benefited in principle, or the creditors in pocket, by imprisonment for debt.*

"In your former answer you stated that you wished that there should be a means of enabling persons to get rid of their debts; do you also consider that as applicable to the relief of creditors?—I do, certainly.

"Is your view as much to facilitate the recovery of debts on behalf of creditors, as the extrication from debt on behalf of debtors?—Certainly, and to the fullest extent; and I think any alteration of the law giving greater facility for the relief of debtors would be a check on the extensive credits given, and would be highly beneficial in that respect.

"*Mr. Commissioner Law.*—Do you not believe, speaking of gentlemen and such persons, not traders, that, if there were such an easy process to be resorted to without previous inconvenience or molestation, there would be a vast many more applications by debtors than by creditors?—I should think that would possibly be the effect in the first instance of the proposed alteration; but I think that would be sufficiently checked by the power of the court to punish in cases either of wilful abstraction of property, or of making away with property; and by consequence, that a greater facility of being released would occasion a greater degree of carefulness in trusting."—*Kirkman*, qq. 1190-1194, 1198-1200.

It is worthy of remark, that all the gentlemen whose evidence we have quoted belong either to the class of creditors, or have acquired their experience in the capacity of professional advisers of creditors. Most of them have shown, in other parts of their testimony, that the interests of creditors are those which engage almost exclusively their attention, yet they all concur in recommending alterations in the law, which, upon a superficial view, might appear to some persons to be entirely in favour of debtors. The legislator who seeks only that system of law which shall be of advantage to the whole community, will fully comprehend that he may safely advance in a course of amelioration indicated by such evidence. Before passing from this part of the subject we must cite the evidence of Mr. G. Lavie, in proof of the practice and opinions of the higher classes of traders in the city as to the most eligible method of winding up an insolvent estate.

"Probably you think it would be desirable that in such cases at least, where the parties interested really desired it, there should be some mode of giving full validity to the proceedings under a trust-deed, by resorting in some way to a court?—Yes; the great wish, as I stated before, was to put trust-deeds on the same footing, to a certain extent, as bankruptcy; but principally that there should be some restraint on a small minority from driving things into bankruptcy when the great majority preferred some other mode of liquidation, considering that the creditors are the best judges



themselves as to the best mode of liquidation, not only in the abstract, but in the particular case. There may be reasons why bankruptcy will be less advantageous in one case than another, and the great object for introducing that was, the providing that they should be permitted to work it according to their own opinions and views.

*“ Mr. Commissioner Foulblanque.*—You would, by this mode, provide a remedy somewhat short of bankruptcy, avoiding its publicity for such class of debtors as their creditors consented should have the benefit of that mode?—Yes; it appears to me that if the principle were well worked out, with proper regulations, that it would be a very satisfactory mode of liquidation, with all the benefits attributed to trust-deeds, and free from the great inconveniences incident to bankruptcy.

*“ Mr. Commissioner Law.*—Would you avoid the publicity; would you register such deeds without gazetting them?—Yes, I would. It appeared to me that there would be a sufficient protection in having them registered without a publication in the Gazette.

*“ Mr. Commissioner Foulblanque.*—Or the obnoxious name of bankruptcy? Yes; the reluctance that persons have to become bankrupts is very strong in the City, particularly among the respectable part of the merchants, and there is a reluctance that prevails quite as strongly among the creditors as persons who are debtors. I think it is impossible to say that there are not some advantages in trust-deeds which cannot be acquired in a bankruptcy at all. With regard to liquidation, the Bankruptcy Court possesses powers which are very salutary as to compelling the payment of debts under certain circumstances: but on the other hand it is a decided advantage to the estate that the original debtor should remain, to a certain extent, in the management of his own affairs; for where a man is here and his debtors are abroad, and application is made to those debtors, it is better the application should be made by their own original correspondent than that it should be made by the assignees, who are to them perfect strangers.

*“ Are you aware that the last Act gives the power to continue a bankrupt under certain circumstances in the management of his affairs?—I was not aware of that. We find frequently that a bankruptcy is a signal for pillage abroad. Many men feel themselves freed from all former obligations, and have no hesitation in taking all sorts of objections to an assignee, which they would have been ashamed to take towards a man they had been corresponding with twenty years. Trust-deeds are sometimes deficient in obtaining the payment in England, but are very successful abroad. I think they frequently give a dividend at an earlier period than a bankruptcy.*

*“ Mr. Commissioner Law.*—Are not those trust-deeds more productive of employment to the accountant than to the solicitor?—The deed which is most common in the City is a deed of inspectorship. It has been found that deeds of trust, by which property is conveyed to trustees, entail upon the trustees so much responsibility, very few persons are willing to undertake the duty; and it is generally done by deed of inspectorship, by which the debtor remains in complete management of his concerns under the inspection of persons who are named. That sort of deed never can be car-

ried on properly without great confidence on the part of the creditors in the debtor, for the whole of the management is left in his hands: there is no intervention in that case by accountants or attorneys; the affairs are left in the counting-house of the debtor; they are conducted as if he were not an insolvent person, but always under the necessity of resorting to the inspectors before he does any act, or makes payments; there is no accountant, that I am aware of, necessarily or frequently employed on those occasions.

"Who are the inspectors?—They are generally some of the creditors, who have a sort of moral control over the debtor, and who are resorted to before he makes a payment of any kind; and the deed is always executed with that restriction upon the debtor, which entitles the inspectors to have a conveyance and assignment of all the property, if they require it, and the condition of the debtor is made to depend on his good conduct after a certain period. The impression which was entertained was, that it would be very satisfactory if trust-deeds could be put upon a proper footing, it neither being the wish of the parties to exclude bankruptcies where the majority of creditors should require it, or to exclude trust-deeds, but to put them on a footing, that the majority should have the decision in what mode the affairs should be wound up."—*Lavie, q. 2234-2240.*

With respect to imprisonment for debt, the witnesses examined by the Commissioners were nearly unanimous in describing the practice as either mischievous or useless; and the few cases in which any of them conceived it could be usefully retained, seemed applicable to arrest upon mesne process rather than in execution on final process,—such as where a debtor might be about to abscond after fraudulently disposing of his effects. On the other hand, the degrading effect upon the debtor of personal imprisonment, and its utter inutility to his creditors, are forcibly described by several witnesses, and strongly insisted on in the Report. Having previously expressed their opinion, that the estates of all debtors unable to pay their debts in full should be administered under one uniform system, the Commissioners say that the bankrupt-law, with the alterations and further remedies suggested, is well adapted to the purpose:—

"But so long as debtors, having no assets, are liable to be imprisoned (and many thousands are imprisoned every year), it is practically impossible to administer such cases under a law requiring a rigorous investigation of accounts, regular proof of debts, with audits and other proceedings, the expense of which could not be defrayed where there is no property for distribution except by the aid of a further public grant in addition to that hitherto voted for the maintenance of the Court for the Relief of Insolvent Debtors. Anxious, therefore, to reconcile the superior advantages which



we attribute to one uniform system of law applicable to all classes of insolvent debtors, with due regard to public economy, we must necessarily advert to the law of imprisonment for debt, its policy and practical results."

After alluding to the Report of the Common Law Commissioners of 1832 upon this subject, and the subsequent abolition of arrest upon mesne process (except where there is probable cause for believing that the debtor is about to quit England), the Report goes on to say:—

"Our attention, therefore, is now confined to arrest on final process.

"Having considered with much attention the Report of the learned Commissioners before referred to, and what has passed in Parliament upon this subject, together with the evidence and returns brought before us, and paying all due regard to past experience, we concur in the opinion expressed in the Report of those Commissioners, and we cannot state our opinions better than in the language of that Report:—

"The principle of the present law is, to do justice by the use of the strong and compulsory means of arrest and imprisonment applied indiscriminately. *The system has been found to be productive of so much hardship and injustice, that it was at last deemed to be necessary to mitigate its consequences by the enactment of the Insolvent Law.* The joint operation of the two opposite processes, for the imprisonment and enlargement of debtors, has been productive of so much evil, as to lead to the suspicion, which seems to be fully verified by inquiry, *that the mischief ought to be obviated, not by provisions designed for the mere mitigation of its consequences, but by removing its cause, that is, by limiting the power of imprisonment itself, and confining it to cases where it is warranted on the plain and just principle of preventing the debtor from fraudulently absconding, or removing his property beyond the reach of justice, or for the punishment of actual fraud; or compelling the debtor, after judgement, either to pay the debt, or to make a cession of the whole of his property for the benefit of his creditors.* Beyond this, we believe that the practice of imprisonment for debt is neither warranted in principle nor beneficial in practice; and that, on the contrary, *whilst the exercise of the present almost unlimited power is productive of pecuniary loss, injury, and distress to creditors as well as debtors, it also occasions great moral evils in its tendency to subdue that proper degree of pride and honest feeling which is inconsistent with the degradation of imprisonment in a gaol, and to level the distinction between guilt and misfortune.*

"We are of opinion that this language applies with the greatest force to arrest on final process.

"*The arrest of a debtor who is wholly insolvent is of no direct use whatever; and of this nature are the greater number of arrests in execution.* An honest debtor who can pay, will do so before the costs of an action are added to his debt; or if he be under temporary difficulties and have his liberty, he will exert himself to procure the means of payment. A dishonest debtor will probably avail himself of the facility which the laxity of

the present law affords him, to dispose of his property before the hostile creditor is able to seize it.

"Again: the Commissioners say, 'The practical effect of the law of arrest on final process, combined with the Insolvent Law, is the imprisonment of numbers merely to be discharged without opposition at the end of a few weeks; the consequence is misery, waste of funds, and multiplied frauds and perjuries: whilst no benefit arises to the creditor, the arrest, imprisonment and expense are ruinous to the debtor; in short, the ordinary consequence is disappointment and loss to the creditor, destruction to the debtor.'

"That this has also been the case since the abolition of arrest on mesne process, is most fully borne out by returns which have been produced before us.

"By a return made to us from the Court for Relief of Insolvent Debtors, it appears that from the 1st October, 1838, to 1st December, 1839, being 14 months,—

"The number of town cases ordered to be heard was .....	1679
Of these there were out of custody <i>before the day of hearing</i> ...	58
Discharged <i>unopposed</i> .....	1147
Discharged <i>opposed</i> .....	474
Of the opposed, <i>remanded for punishment</i> .....	141
"Country cases during the same period.....	2226
Of these there were out of custody <i>before the day of hearing</i> ...	112
Discharged <i>unopposed</i> .....	1441
Discharged <i>opposed</i> .....	673
Of the opposed, <i>remanded for punishment</i> .....	220

"Therefore the whole number imprisoned in town and country was 3905, and out of that number 2758 were discharged either before the day of hearing or without opposition; of those who were opposed 1147 were nevertheless discharged, and only 361 remanded for punishment. Out of the whole number (3905), dividends were paid in 199 cases.

"Deducting 361 who were remanded from the 1147 who were opposed, it would appear that 786 were opposed without sufficient grounds; then, adding these 786 to the 2758 who were discharged unopposed, *it would appear that out of 3905, the whole number imprisoned, 3544 were imprisoned who ought not in good policy to have been imprisoned at all, for the imprisonment of those persons produced no legitimate advantage either to the creditors or to the community.*"—Report, pp. xii. xiii.

If the moral evils of imprisonment for debt are great, the pecuniary sacrifices thereby occasioned are proportionate; for as the Report states,—

"The loss incurred by creditors in consequence of imprisoning their debtors is very great: out of the 3905 cases before-mentioned, dividends were paid only in 199, and 361 were remanded; whilst in the remaining 3345 cases, the costs of proceeding to judgement, taken at the estimate of 20*l.* for each action (which would be a low estimate for actions in the su-



perior courts), would have amounted to 66,900*l.* It appears that the minimum expense attending the discharge of an insolvent is five guineas, and if 6*l.* be taken as a low average, 20,070*l.* would have been expended by the 3345 debtors above-mentioned in procuring their discharge; adding this to the 66,900*l.* expended in putting them into prison, 86,970*l.* would appear to have been unprofitably consumed in the above period of fourteen months."—*Report*, p. xxiv.

We have reason to believe that both the estimate of 20*l.* as the average expense of obtaining final judgements, and that of 6*l.* as the expense of an insolvent's discharge, are considerably less than the actual expenditure. In the Fleet prison the average number of prisoners confined during the last five years has been upwards of 300, and in the Queen's Bench prison the average number during the same period has been greater, of whom about one half have been yearly discharged under the Insolvent Debtors' Act. Now a large proportion of these persons have been removed into these prisons by writs of *habeas corpus*, at an expense of about 4*l.* 4*s.* each; and probably few of them have obtained their discharge at a less cost than from 10*l.* to 15*l.* each, whilst the expenses of a large proportion have reached 20*l.* and 30*l.* and upwards. The expenditure of each individual, in prison-fees and the semi-legalized extortions of sheriffs' and prison officers, will scarcely average less than 4*l.*; and thus we find that the pecuniary loss mentioned in the Report, enormous as it is, must be considerably understated.

"Nor," says the Report, "is the loss to the community confined to this pecuniary sacrifice. Two months at least may be considered as the average time of the confinement of such debtors. The debtors themselves, while in gaol, can produce nothing. They and their families may be, and for the most part are, deprived of the means of subsistence, and must be supported by their parishes, or by the labour of friends generally ill able to bear such additional burthen, and who may, by this exercise of their charity, risk their own ultimate solvency. *The expense to the public of the support of prisons, and to parishes of the maintenance of prisoners, is a secondary but not unimportant consideration, while the confusion of ideas between crime and misfortune, by seeing the felon and the debtor imprisoned under one roof, is calculated to produce much moral evil.* Thus a large sum of money and a considerable portion of time, which ought to have been available to the purposes of national industry, is annually consumed without producing any good result whatever."—*Report*, p. xxiv.

The Report strongly and decisively condemns imprison-

ment for debt as "ineffectual for the protection of the creditor by way of remedy, or as a preventive," and thus states the result of the Commissioners' inquiries upon this part of the subject:—

"This view of the subject is fully confirmed by the keeper of Whitecross-street prison, who was examined before us. The Whitecross-street prison is the prison for debtors for the county of Middlesex, and receives prisoners as well from the superior courts as from those of limited jurisdiction. The evidence before the Commissioners on Courts of Common Law, relating to the imprisonment of debtors in Whitecross-street prison from Courts of Request, shows that the effect of that imprisonment is to throw a large expense on the county, to render useful men idle, to induce habits which destroy their usefulness, and make them pests to society and burthens to the public. One of the first results of the committal to that prison is, that their families go on the poor-rates. The amount of debt is paid four-fold by the parish during the confinement of the heads of those families, and the creditors very seldom obtain payment. The necessary effect of being so confined, the keepers say, is that, after a few days, the debtors begin to feel the contaminating influence of the society in the prison. There are in the prisons individuals connected with the law, who having been disgraced and fallen from their station, instantly take pains to become acquainted with every new comer, with a view to teach him how to defraud his creditors; the result is, that debtors who really had the inclination, but wanted the means to satisfy their debts, are led to form a determination not to pay even if they should be able, but rather to remain in prison for the number of days that the law affixes as the penalty. This contamination is one of the causes of the demoralization of the lower classes in the metropolis, and of preparing for crimes which swell our criminal calendar.

"We think that by taking away a fancied and generally delusive security and throwing the creditor more on his own caution in giving credit; by providing prompt, efficacious and cheap means for the recovery of debts, the discovery of the property of debtors, the punishment of the dishonest and fraudulent debtor, and the relief of the honest but unfortunate, most effective aid will be afforded to the trading part of the community; the unwary will be deterred from the first steps of improvidence, and a wholesome and sound state of credit will be preserved."—*Report*, pp. xv, xvi.

"We conclude these observations on the subject of imprisonment for debt in execution, as it affects all members of society, with the strongest recommendation of its abolition, and with the fullest conviction that this may be safely and advantageously conceded, if accompanied with the further remedies for creditors against the property of debtors which we have humbly suggested to Your Majesty."—*Ibid.*

In the majority of instances wherein creditors suffer loss, they are themselves to blame for the improvidence with which, in their eagerness to do business, they give credit to



persons utterly unworthy of it. A case was recently reported from a police-office, which, though somewhat beyond the usual line of rascality on the part of the debtor and credulity in the creditors, so forcibly illustrates the facility with which credit is obtained, that we cannot refrain from noticing it.

"MANSION-HOUSE.—Henry Knott, *alias* Nott, who was a few days ago charged with having plundered a number of tradesmen, whom he ordered to send goods to his warehouse at No. 62 Sun-street, Bishopsgate-street, was brought before the Lord Mayor for a second examination. The justice-room was crowded with the victims of the prisoner, who is a stout full-faced man, in what is called 'good condition,' and put on the air of a man of business during the investigation.

"Mr. Hunt attended as his solicitor, although, to do justice to the prisoner's acuteness, he required no legal assistance whatever.

"The prisoner upon looking round said that the room was filled with his creditors. (A laugh.)

"Mr. Ludlow, the representative of Messrs. Beasley, Smith and Co., ale and porter merchants, stated that the prisoner had 'done' the concern out of about 12l. worth of bottled ale when he resided in Mitre-street, New-cut, and appeared to be carrying on the business of a hat-manufacturer. Not content with having got in a quantity of the best ale, Mr. Knott introduced a friend of his of the name of Kitcher, or rather 'Catcher,' who followed the example. They both appointed a certain day at twelve o'clock for the payment of their accounts, but they went off, bag and baggage, at five o'clock in the morning. Upon inquiry it was ascertained that the contents of the house had been taken in a van to the Borough-road, kept there all night, and removed, the Lord knows where, in the morning. Mr. Knott had promised 12s. a dozen for the ale, which was of the best quality, but he did not even return the bottles,

"The Lord Mayor.—Do you expect the bottles?

"Witness.—Not at all.

"Mr. Hunt.—You regularly sold him the ale, did you not?

"Witness.—Certainly. I was introduced to him by a friend of mine, whom he victimised.

"Prisoner.—All a correct, tradesmanlike-transaction I assure you, my Lord. (Laughter.) I owe for the ale most positively.

"The Lord Mayor (to Mr. Ludlow).—This is downright swindling, but you have given him credit.

"Mr. John Clayton stated, that he let a house in Montague-street to the prisoner, who gave him a bill for the fixtures, but Mr. Knott, the moment he got possession, went off to the landlord of the house and sold him the fixtures.

"The Lord Mayor.—Did you make no inquiry about the bill?

*" Witness.—Yes ; I asked him whether the acceptor was respectable, and he said that no man could be more so.*

*" The Lord Mayor.—And so you took his word for the respectability of his friend ?*

*" Witness.—I really thought the bill was a good one, but I found out that it was just the reverse. (Great laughter.)*

*" Prisoner.—He made me out a bill of parcels in the regular way, your Lordship.*

*" Mr. J. Heavens, of Ship-Tavern-passage, Leadenhall-market, stationer, stated, that the prisoner's clerk, of whom he had some knowledge, called upon him and said he had a good customer for the house, and ordered books and stationery for Mr. Knott to the amount of 7*l.* 13*s.* 7*d.* Witness sent a young man with the goods ordered, and desired him not to leave them except he saw that the house was a respectable one. The messenger left the articles and gave a favourable account of the house, and attempts were made to get more goods, but without avail, and as witness rather bothered the premises in Sun-street with calls, Mr. Knott waited upon him, and said that all should be paid in an honourable way on Wednesday. The next time, however, witness saw Mr. Knott he was in the custody of a policeman, and Mr. Knott had in his hand the invoice which witness had given to him.*

*" Prisoner.—Yes, my Lord, it was a regular tradesmanlike business. The invoice is dated correctly, as your Lordship will see.*

*" The Lord Mayor.—Is there no case on which we can send this man for trial ?*

*" The prisoner gave a shake of the head, very much in the negative. (Laughter.)*

*" Charles Payne, a lad in the employment of Messrs. Crossland of Fenchurch-street, stationers, stated that he knew the prisoner. By direction of his employers he took a parcel to Mr. Knott, to No. 62 Sun-street.*

*" Mr. Hunt.—Did you take an invoice with you ?*

*" Witness.—Yes.*

*" Mr. Hunt.—And what did you say to the prisoner ?*

*" Witness.—I asked him whether he would pay for the parcel then or open an account. (A laugh.)*

*" Mr. Hunt.—And what did the prisoner say ?*

*" Witness.—He said he would prefer opening a running account. (Great laughter.)*

*" Mr. Hunt.—And who told you to ask him the question ?*

*" Witness.—My master told me. (Laughter.)*

*" The Lord Mayor.—Why, this is simplicity itself. What can a magistrate do when tradesmen are determined to be cheated ?*

This scoundrel, an arrant swindler, was ultimately discharged.

The composition of the Commission, from whose Report we



have extracted so largely, was such as to give much weight to the opinions therein expressed. It consisted of five legal and four mercantile members; the former being Mr. Justice Erskine, formerly chief judge of the Court of Review, Messrs. Evans, Fonblanque and Holroyd, three most intelligent Bankruptcy Commissioners, and Mr. Commissioner Law of the Insolvent Debtors' Court. The commercial members were Mr. Wynn Ellis, M.P. for Leicester, Mr. B. Hawes, M.P. for Lambeth, Mr. Carr Glynn the banker and Mr. Horsley Palmer, a Director of the Bank of England. Mr. Commissioner Law alone dissented from the Report, and presented a separate one, in which he strenuously combated the arguments for a total abolition of imprisonment for debt.

A considerable part of the evidence taken before the Commissioners of Inquiry had reference to the manner of granting, and the operation of, a bankrupt's certificate. As we have seen, the granting or withholding a certificate has hitherto been entirely dependent upon the assent or dissent of a large proportion of the creditors; the opinions of those most intimate with bankruptcy proceedings have long pointed to an alteration in this respect; and the weight of testimony in favour of leaving the certificate in the discretion of the judge was decisive. The situation of an uncertificated bankrupt is this: he is unable legally to acquire or hold any property, as it immediately vests in his assignees, who may take possession without any form of process whatever. Upon this subject Mr. Parker, whose evidence we have before referred to, says:—

“ I think the grant or refusal of a certificate should rest entirely with the three judges, against the granting of which any of the creditors might have an opportunity of showing cause before a given day. Many creditors really mistake the purport of this document; it is merely a certificate that the bankrupt has conformed himself to the laws relating to bankrupts; it in no respect purports to be a certificate of his good conduct prior to the date of his fiat. Whilst the power is with the creditors it becomes a premium on fraud, for I am afraid debts have been proved for no other purpose than merely to enable parties to sign the certificate; a little creditor often becomes a great tyrant to the bankrupt, and either in the hope of grinding from him some paltry gain, or to satisfy an unforgiving and vindictive spirit, he holds this privilege *in terrorem* over the unfortunate debtor.”

The evidence abounds in examples of the wrong which is

constantly perpetrated under this power of withholding the certificate. The following extract from the examination of Mr. Parker points clearly to the utility of confining the "punishment" of a fraudulent bankrupt to the criminal jurisdiction of the country. It is contrary to the genius of our law that any man should be visited with a penalty so essentially criminal in its character without the intervention of a jury.

\* \* \* \* \*

"Mr. Hawes.—When you state that the Court should have power to punish fraudulent debtors, will you state at the same time how you would define fraud as between debtor and creditor?—I should say, a man who makes away with his property, or who is guilty of any act of dishonesty towards his creditors, would be properly deemed a fraudulent debtor,

\* \* \* \* \*

"Supposing a banker to fail, who has been living in great extravagance, and to pay only 6d. in the pound, would you not consider that a case coming fairly under your notion of fraudulent trading?—I think a case of general extravagance, apart from any particular act of itself fraudulent, immediately preceding his insolvency, ought not so to be considered.

"Can you conceive the case of a banker failing, who has been notoriously extravagant, and paying only a very small dividend, without at the same time supposing that something amounting to fraud has attended his transactions,—fraud especially upon those who have deposited money in his hands?—It would be difficult to say that. I think by his publicly living an extravagant course of life, he would in effect be giving notice of it to those with whom he was dealing.

\* \* \* \* \*

"Chairman.—Do you consider that the case of a banker, knowing himself insolvent for many years, and yet continuing to draw from his house for his expenditure to an amount much exceeding the profits of the house, and continuing to the last moment to receive deposits from customers, does act fraudulently or not towards his creditors?—Decidedly fraudulently; and yet it is a fraud of such a nature, that I conceive it to be difficult to award any precise punishment for it.

"Mr. Hawes.—Suppose a power were given to creditors, under such circumstances, to indict simply for fraudulent trading, and the case were left to a jury to decide, guilty or not guilty, there being some punishment attached to a verdict of guilty, what in your opinion would be the expediency of such a provision in the bankrupt or insolvent law of this country?—I think such a provision would have a very salutary effect, and I should recommend that the judges in bankruptcy should have the power to direct such an issue to be tried.

"Or power to empanel a jury, and try it before themselves or others?—Yes, I think that would be very desirable."—Parker, q. 94-100.

Fraud or no fraud is a question of fact, which in each particular case it should be the province of a jury to decide.



Mr. Basil Montagu is very explicit upon the question of certificates, the granting of which, he says, should be a judicial act.

"*Chairman.*—Does it appear to you that it is more for the advantage of the *bond fide* creditor, that the certificate should be signed without recurrence to the creditor? has it not in your experience often occurred, that you, at least, suspected that the creditor got a fraudulent preference, in order to induce him to sign the certificate, and that the bankrupt held back funds to purchase his certificate?—I have no hesitation in saying that I think it will be most beneficial to the great body, and certainly to the honest creditors, that the certificate shall be taken entirely from the creditors and given to the commissioners; and I know from experience that what Sir Samuel Romilly says is most true; it does not require any knowledge of human nature to confirm it, that creditors who have lost their property will have recourse almost to any means to obtain payment. I do not mean to say anything disrespectful of so respectable a body of men as the merchants of London, but on the east side of Temple Bar money is a very powerful motive of action.

"From your experience, you do believe that in many instances creditors have got fraudulent preferences, and have been bought over by the bankrupt, to the manifest loss of the great body of the creditors?—I have no doubt that is the case."—*Montagu, qq. 782, 783.*

This view of the subject is taken by nearly all the witnesses who have had much actual experience in bankruptcy.

Upon the question, whether insolvents should, upon surrendering all their effects for division amongst their creditors, be released from their debts or not, a great diversity of opinion appears to have existed amongst the witnesses. The majority held that such debtors should be absolutely released, though a few thought that nothing short of entire payment should ever discharge the debtor; and some were disposed to use continued liability as a punishment for misconduct in contracting debt. Those witnesses who desired that debtors should continue liable, were chiefly such as advocated imprisonment for debt, and who had been much concerned in the practice of the Insolvent Debtors' Court; and instances were mentioned in which creditors had received substantial benefit from the after-acquired property of their discharged debtors through this continuing liability. Much allowance must be made for the bias of this class in favour of that peculiar practice with which they had been most conversant; they seem to have fallen into the mistake of endeavouring to enforce by law that high moral obligation, which insolvent persons subsequently

becoming affluent are under, to discharge their previous debts, whether legally bound to do so or not, (cases admitted to be so rare as to be exceptional) at the expense of inflicting upon all persons once insolvent the perpetual disability to hold property: for such in fact would be the consequence of carrying out, to the full extent, this continuing liability, the impolicy of which is practically admitted by these very persons and by the law which regulates the Insolvent Debtors' Court, both requiring it to be so limited as only to be exercised under the immediate authority of the Court. The whole of the arguments upon this side of the question were ably stated by Mr. James Graham Lewis, the well-known and most respectable attorney of the Insolvent Debtors' Court (Q. 1651 to 1749 inclusive). The weight of testimony, however, was clearly the other way, as appears from the Report; and the fact that the whole of the dividends declared upon the estates of insolvent debtors, since the establishment of the Insolvent Court, does not average more than three farthings in the pound, is quite conclusive. Most of the witnesses, both professional and mercantile, conceived the interest of the trading community would be best promoted by the release of insolvents from their debts; and wherever any of them modified that view, it was under the influence of the anomalous case, always strongly stated to them by Mr. Commissioner Law, of a person not in trade and having no legitimate occasion to incur debts,—a gentleman, for instance, with more or less appearance of property or expectancy,—who has become indebted, and asks to be discharged from his debts upon the surrender of assets little more than nominal. Now if cases of this class be attentively examined, they will be seen to form no exception to the general rule, that the release of the debtor is politic as regards the interest of the public at large and the class of creditors in particular. Debtors of this kind are those to whom the most improvident credit is given, and upon whom the greatest amount of extortion is commonly practised, both of which would be much checked by a knowledge on the part of the creditors, that their victims might at any time relieve themselves from their entanglements by a fair and full surrender of their assets, be those assets little or much. Such debtors, if inextricably involved, should be induced to make



early cession of their effects, no less than insolvent traders; and it is as necessary that their estates should be administered under judicial authority as those of traders. The case of Lord Huntingtower, a young nobleman, who, having fallen into the hands of the extortioners who prey upon our aristocracy, has found it necessary to take advantage of the circumstance of his having become a trader, as horse-dealer and coach-proprietor, to resort to the Bankrupt Court, affords much instruction upon this head. It appears that this young man, with recklessness by no means unparalleled amongst his class, had become indebted previously to his majority to the extent of 170,000*l.*, a large portion of which sum he subsequently acknowledged on coming of age. From the statements made before the Commissioner, it is clear that the consideration his lordship received for this enormous debt did not exceed 25,000*l.* or 30,000*l.*! Now from the accident of this improvident young man having become a trader, his affairs will undergo a judicial scrutiny, and he will probably be in the end discharged from his liabilities,—circumstances which, if anticipated by certain classes of his creditors, would have certainly prevented him from obtaining such vast and ruinous credit, and preserved him from the misery and disgrace of his present position.

We remember to have heard that a late noble duke stated his debts, when he became of age, to have amounted to nearly half a million sterling, though the actual sums he had received did not amount to 50,000*l.*! These of course are extreme cases; but the great majority of instances wherein gentlemen are deeply indebted bear more or less the same character. The total abrogation of arrest of the person for debt, and a process analogous to bankruptcy, under which a creditor might enforce or a debtor volunteer a surrender and distribution of his assets, to be followed by a general discharge from his debts, would in a short time put an end to these monstrous transactions. Of course, if persons not traders obtain credit by fraudulent means, they should, like traders, be indictable for that definite offence. This would afford a check upon non-trading debtors in favour of fair creditors, fully equivalent to that which the power of obtaining a complete discharge from debt would impose upon reckless credit.

Mr. Alderman Farebrother, in his evidence before the Commissioners, has placed the impolicy of continuing the liability of debtors in general, after the surrender of their estate, in a very clear point of view.

"You think it is oppressive that in any case the law should have power over future effects?—Certainly.

"What do you think of this case—A gentleman who is discharged in the Insolvent Debtors' Court, and who, having five or six thousand pounds' debt, eighteen months afterwards most unexpectedly comes into a very large landed property and a very great accumulation of personalty—do you think it just that there should be no power existing to compel him, out of that property, to pay the five or six thousand pounds?—*I think his integrity of mind, if that property belonged to him, would lead him to pay his debts; but I think a case of that sort, though it may be put as one case, ought not to be put as a general rule for guiding the property of other persons. A man is unfortunate in trade; one man is fortunate because another man is unfortunate. If every man could succeed in his speculation there would be no bankruptcy; but where a man is unfortunate, and has given up everything he had, I think his future efforts ought not to be paralyzed to pay past debts.*"

† This is the view of the subject at which the majority of clear-headed men of business have arrived; the same witness afterwards testifies to the ill effects on credit of imprisonment for debt.

"*Mr. Commissioner Law.*—Does your objection apply to the state of an uncertificated bankrupt, who, all his life, will be incapable of holding a horse or a chair, or to the case of a discharged insolvent, whose future effects can only be touched after due inquiry by a competent tribunal?—It applies to both; it applies to the bankrupt, because, by my evidence, I have taken the liberty of suggesting that if the commissioners are satisfied with the bankrupt's account he ought to be certified, and ought not to be liable either to the caprice or the want of kindness of a certain number of his creditors to keep him out of his certificate. I think a man who surrenders all he has to the satisfaction of the commissioners ought to have his certificate; and, as far as relates to an insolvent debtor, I think it is cruel and hard to take his future property; one case, I submit, must not be taken as a general rule. *If a man was entitled to a reversion at the time of taking the benefit of the Act, that reversion would be sold and come into the hands of the creditors; and if they could afford or agree to keep the reversion till they came into possession, by death of the tenant for life, they would be paid, and the bankrupt would benefit by any surplus.*

"Do you suppose the case put is a solitary case?—I am not aware of such cases being frequent.

"Would you allow the operation to be productive of the benefit of a cession to those parties who have nothing to cede?—Certainly; if a man is in



prison and has nothing to give up, if he satisfies the commissioner that he has nothing to give up, I think he should be liberated.

"In that case, would you allow every gentleman who has debts, and no means of paying them, to apply for a *cessio*, with a view to get his liberation from those debts?—Certainly I would; and I would on this principle, that I think tradespeople would be much more cautious in the credit they give, and much more fair in their charges to that description of people."—*Farebrother, q. 733-736.*

In several other countries the law of bankruptcy is in a more advanced condition than it has hitherto been in England. In Scotland, under the Sequestration act, the adjudication is rather in the nature of a rule *nisi* for the debtor to show why he should not be declared a bankrupt,—a wholesome precaution now for the first time introduced into the English bankrupt law. Another provision taken from the Scotch act was embodied in the act 6 Geo. IV. c. 16, which provided for annulling the bankruptcy upon a certain proportion of the creditors accepting a composition; but an important part of the Scotch law was omitted. Upon the bankruptcy being annulled, nothing prevented the bankrupt's creditors,—even those who had proved under the bankruptcy and become parties to the composition,—from suing him upon his old liabilities. Now in Scotland it is provided that a composition made under such circumstances shall operate as a complete discharge of the debtor from all his debts. This is only reasonable in the case of a man whose friends have enabled him to make a composition which has satisfied the majority of his creditors. The evidence abounds with instances where one or two obstinate creditors have prevented arrangements beneficial to all parties, and with suggestions for remedying the inconvenience. This is, in effect, done by the present law, as the objecting creditor commonly held back, not proving under the bankruptcy, in the expectation of being able, by means of imprisonment, should the bankrupt not obtain his certificate, to coerce some son, brother, father or relative into payment of the debt. In France the bankrupt has an interval of some days afforded him to contest the validity of the bankruptcy, and should his creditors withhold his final discharge, he is at liberty to apply to a court of justice for an *arrêt de défense*, which has the effect of a certificate in this country and protects him against further proceedings. In

Holland all the creditors must sign the certificate of discharge; but those who refuse to do so may be cited before the commissioners, who are empowered to grant the certificate if they think the opposition unreasonable. The recent act has thus merely brought the bankrupt-law in this country up to the general European level. In the United States a general law of bankruptcy has just been passed, which, from the community of language and manners which exists between the citizens of those States and the British people, and the peculiarly trading character of our transatlantic brethren, may be usefully noticed in more detail.

By an act of Congress passed in 1841, a general bankruptcy-law for the United States provides, that all persons owing debts not created by defalcation whilst acting as public officers or in a judiciary capacity, may, on petition to the district court of the locality in which they reside, declare themselves insolvent and become entitled to the benefit of the bankrupt-law. There seems to be no specified amount of debt requisite, as in this country, to entitle an insolvent person to the benefit of the bankrupt act, neither does there seem to be any distinction made between persons in trade and others not so engaged. The petition must set forth a list of the insolvent's creditors, their places of residence and the amount due to each, as well as an accurate inventory of the debtor's property, rights and credits, with the situation thereof; such particulars to be verified by the oath or affirmation of the petitioning debtor. This enactment appears to provide for embarrassed persons the means of promptly dividing their effects amongst their creditors under the sanction of a bankruptcy procedure. Where a trader is indebted to the extent of 2000 dollars, he may be declared a bankrupt upon the petition of one or more of his creditors whose debts amount to 500 dollars; and the acts of bankruptcy whereon the proceeding must be founded are very nearly those of our own law, such as departing from the place of residence, fraudulent disposition of property and the like. Where creditors thus seek hostilely to make their debtor a bankrupt, he is entitled to have the question of bankruptcy tried by a jury. This is obviously just, and accords with the principle we have asserted.



Payments and dealings *bonâ fide* made two months before petition, are valid as against a subsequent bankruptcy, provided the persons benefiting thereby have no notice of the act of bankruptcy, or of the bankrupt's intention to take the benefit of the bankrupt-law. Undue preference to any one creditor shall prevent the bankrupt's discharge by certificate, without the consent of the majority in interest of his unpreferred creditors who have proved their debts.

The court will appoint an assignee of the bankrupt's effects, which shall thereupon, by act of law, vest in the assignee, with the exception of "the necessary kitchen furniture and such other articles and necessities of the bankrupt as the said assignee shall designate and set apart, having reference in the amount to the family, condition and circumstances of the bankrupt, but not to exceed altogether 300 dollars." The wearing apparel of the bankrupt, his wife and children, is also excepted. These are humane provisions which might be usefully adopted into the English system. Upon the subject of this allowance the bankrupt has a right to appeal from the determination of the assignee to the court.

All bankrupts who have fully discovered and surrendered their effects, and conformed in other respects to the provisions of the bankrupt-law, are entitled to be discharged from their debts, and certificates to that effect are to be granted by the district courts. The certificate is not to be granted in any case until ninety days after the bankruptcy, and after seventy days' notice in the public newspapers; and it seems a personal notice of the application for a certificate must be given to every creditor whose residence is known. Creditors may show cause against the certificate; and in the event of its refusal, the bankrupt may appeal either to the circuit court or to a jury. A bankrupt being a merchant, banker, broker, factor, underwriter, or marine insurer, and not keeping proper books of account, or one who shall have applied trust-funds to his own use, is precluded from the benefit of a certificate and the consequent discharge from his debts. Provision is made for the examination of the bankrupt upon oath as to his dealings and effects, for the rateable division of his effects amongst the creditors (except in the case of debts due to the United States, which are to be paid in full), for the mode of proving debts,

the time and manner of making dividends, and for the fees and charges for services in respect of bankruptcy proceedings.

The assignee, who it will be seen is an officer of the court, is required to pay all the money he may receive into court, and to make a dividend every six months, reserving in the event of pending suits in respect of the bankrupt's property, or a right to prove against his estate, a sufficient sum to meet any adverse claims which may be established. Debts to "operatives" not exceeding twenty-five dollars in amount, and of not longer standing than six months, are directed to be paid in full. Proving under the bankruptcy is declared to be a waiver of all right to proceed against the bankrupt, whether he shall obtain his certificate or not. Various other directions of detail are specified in the act, very similar in principle to those contained in our own recently amended bankrupt-act; and the court is empowered to make rules and regulations of practice, and to appoint commissioners for receiving the proof of debts in other matters.

After two years the bankruptcy cannot be questioned. It was with some surprise we found, that that very strange provision of our bankrupt-law, which requires a person who has a second time become bankrupt to pay his creditors fifteen shillings in the pound before he can be discharged therefrom by a certificate, forms part of the new American law; as if it were more culpable for a man who recommences business without capital or credit, and with a tarnished commercial reputation, to fail, than for one who is not subject to such serious disadvantages.

Having noticed some of the principal defects of the old law, we now come to the alterations recently made. Although many of the defects mentioned in the preceding part of this paper have been corrected, and an opening seems to have been made by the new act for the relief of insolvent debtors, for the mitigation of the evils of imprisonment for debt, and though both of the new acts indicate a considerable advance in systematic legislation upon the subject of insolvency, the condition of the law is still imperfect and transitional. A brief history of the two recent statutes will entirely account for this.

We have seen that the commissioners appointed to inquire into the law of bankruptcy and insolvency recommended the



assimilation of proceedings in all cases of insolvency, without regard to the distinction of traders for non-traders, and that such recommendation necessarily involved the abolition of imprisonment for debt, with all its costly apparatus of gaols and insolvent courts, and the introduction of a stringent process for the personal examination of all debtors as to the *bona fides* of the claim made against them. A bill was prepared by the late government which carried out these recommendations; and had it become law, a plain and intelligible system would have been established. But there were divers interests and innumerable prejudices opposed to this rational scheme. When, therefore, the present chancellor came into office, he adopted so much of the measure of his predecessor as went to amend the more flagrant defects in the bankrupt-law, but without extending that law to non-traders, and leaving imprisonment for debt and the Insolvent Court untouched. This, though undoubtedly an improvement, was but a "lame and impotent conclusion" to the labours of the intelligent commissioners who had reported on the subject. However, Lord Brougham has since introduced a bill, to enable all persons not traders, and all traders whose debts do not exceed 300*l.*, after certain advertised notices, to go before a commissioner of the Court of Bankruptcy, and there making a full disclosure and surrender of their debts and assets, to obtain protection from imprisonment on account of their debts, remaining liable, notwithstanding, to have their future property attached, though only under the sanction of the Bankrupt Court. The act passed almost *sub silentio*, and, like most hasty measures, seems to be involved in some uncertainty, whilst it is defective in directions as to the way in which its objects are to be worked out. The result however appears to be, that henceforth persons indebted to the extent of insolvency, not being traders, or being small traders, may, by application to the Bankrupt Court, be placed, *without* imprisonment, in precisely the same position as if they had been discharged by the Insolvent Debtors' Court. This is so great a step towards the abolition of imprisonment for debt, and the final transfer of all cases in insolvency to the jurisdiction of the Bankrupt Court, as must render such a consummation inevitable.

That the law and practice in bankruptcy have been much improved and the way cleared for the more complete reconstruction of the law, will be obvious from a summary of the chief alterations made by the late Bankruptcy Amendment Act. Instead of leaving the "fiat" in the hands of the petitioning creditor, it is to be transmitted at once to the Bankrupt Court, which Court may, upon satisfactory proof that the trader against whom the process has issued is about to abscond or to conceal his goods, authorize the arrest of his person or seizure of his goods, and detain either person or goods until an adjudication of bankruptcy; and, except under special circumstances, the "fiat" must be opened in three days. To prevent an abuse of this jurisdiction, the person arrested, or whose goods have been seized, may call upon the petitioning creditor to show cause for his proceedings; and if either party shall be dissatisfied with the summary judgement of the commissioner, he may appeal to the Court of Review. Concerted acts of bankruptcy no longer form any objection to a fiat; this is a necessary consequence of the sounder view that bankruptcy is simply a civil proceeding, and may therefore be properly facilitated by all parties. The amount requisite to form a good petitioning creditor's debt is reduced to 50*l.* for one creditor, 70*l.* for two, and 100*l.* for three creditors; and debts not actually payable, as for instance a bill of exchange not due, will be henceforth a sufficient debt for founding proceedings in bankruptcy. There are twelve classes of persons declared to be subject to the bankrupt-laws, respecting whom difficulty has hitherto existed; namely, livery-stable-keepers, coach-proprietors, carriers, ship-owners, auctioneers, apothecaries, market-gardeners, cowkeepers, brick-makers, alum-makers, lime-burners and millers. But perhaps the most important alteration is that which enables a creditor to summon his debtor (being a trader) before the Bankrupt Court, where he will be required either to admit the debt, signing a written admission to be filed in the Court, or to make "a deposition on oath in writing under his hand" (also to be filed), in the form set out in the act, "that he verily believeth that he has a good defence to the demand, or to some "and what part thereof." If the alleged debtor swear that he believes he has a good defence to the demand (which he



d do in all cases of really disputed accounts) there will end to the jurisdiction in bankruptcy, and the creditor proceed to enforce his demand by the aid of the ordinary laws.

The act then provides that, when the trader shall have signed an admission of his creditor's debt, and shall not pay amount or otherwise satisfy the creditor within fourteen days after the filing of the admission, on the fifteenth day the trader shall be deemed to have committed an act of bankruptcy, upon which any of his creditors may proceed to make him bankrupt. If a trader, also, being duly summoned, shall attend before the Bankrupt Court, or, attending, shall refuse either to sign an admission of the demand, or to make a declaration that he has a good defence, and shall not secure or pay the debt within fourteen days, he will on the fifteenth be deemed to have committed an act of bankruptcy. But in any of these cases a fiat in bankruptcy must issue (if at all) within ten days. The summons is only to be granted upon the creditor filing an affidavit in the Court of Bankruptcy of the value of his debt, that his debtor is a trader, and that an account of the particulars of the demand, with a written notice, in the form specified by the act requiring immediate payment, has been delivered to the debtor; and after a summons has been issued, the debtor may sign an admission of debt before the Court (the act requiring that it should be signed in the presence of his attorney, who is to inform him of the consequences of so doing) which may be filed, and in fourteen days he is deemed to have committed an act of bankruptcy whereon to found a

In cases of clear insolvency, such a summons appeared to the witnesses a ready means of testing the state of a trader's affairs, and affording his creditors the opportunity of obtaining a prompt distribution of his assets, should he be found to be insolvent; but some very intelligent witnesses, — we would refer particularly to the evidence of Mr. John A. of the house of James Morison and Co. — were somewhat startled by the proposal to render a personal examination of the alleged debtor the first step in a civil action. It is true that in bankruptcy that practice had always prevailed, — that in the Courts of Equity a defendant might always

be compelled, where the plaintiff made out a good *prima-facie* case, to answer his allegations upon oath; but in the one case the party compelled to testify against his own interest had been already declared insolvent; in the other, the complexity of the case and the peculiar character of the transactions, which commonly formed the subject-matter of the suit, seemed to require the admissions of the defendant for its elucidation. Moreover the rules of the Courts of Equity impose such limitations upon what a defendant is obliged to answer, and the deliberate and carefully guarded proceedings of those Courts offer such complete means of ultimately bringing out the whole case, that it is mere confusion to compare the answer of a defendant to a bill in Equity with the distinct "yes" or "no," which a person summoned to the Bankrupt Court is compelled to give on oath to any person who says to him "you owe me 50*l.*"

It is therefore not surprising that many of the witnesses did not at once accede to the propriety of the proposal. The general principle of our law is, that no one shall be obliged to furnish evidence against himself, which is directly opposed to that of the summons and examination now first introduced into the bankrupt-law. Yet there seems to be no sufficient objection to the new method of proceeding, guarded as it is in the present act. If the person summoned denies his liability, and makes oath of his belief that he has a good defence, there is an end of the process, and the Court has power to award costs against the person at whose instance the summons is issued. On the other hand, the necessity of meeting a creditor face to face before a judge, will lead many traders to consider whether they can pay or satisfy that particular creditor with a fair expectation of continuing to carry on their trade and meeting all their liabilities; and if they cannot, they will submit at once to a bankruptcy, or effect some other general arrangement with their creditors.

An apprehension has been expressed that traders will sometimes defeat the objects of the act, by swearing that they have a defence when they have none in fact; but such fears are altogether unfounded. The pains and penalties of perjury, to which such a debtor must soon be shown to be liable, are quite sufficient to deter the very few who might be disposed



to resort to this reckless means of staving off—for it would be no more—the evil day. In a majority of cases, the summons will bring the affairs of an embarrassed trader to an early crisis, a result which is obviously advantageous both to himself and his creditors.

In the same spirit, the act provides that when a judgment-creditor of any trader shall be in a situation to sue out execution against him, and a personal demand in writing for payment shall have been made, and no payment or security given within fourteen days, the trader shall also be deemed to have committed an act of bankruptcy. Orders for payment of money made by courts of equity or bankruptcy, when made peremptory, are to have the same effect.

By another clause, a trader may commit an immediate act of bankruptcy by filing a declaration that he is unable to meet his engagements. This declaration, first introduced by the act of 6 Geo. IV. c. 16, only became an act of bankruptcy after its insertion in the gazette, and the design of the present clause is to dispense with any unnecessary delay after a trader has by his own admission been proved hopelessly insolvent.

The new act proceeds to provide against the hardships to which traders were previously exposed from *ex-parte* proceedings, by enacting that “before notice of adjudication of bankruptcy shall have been given in the *Gazette*, and at or before the execution of any warrant of seizure,” the bankrupt shall be served with a duplicate of the adjudication, and shall be allowed five days for showing cause to the court against its validity. If sufficient cause be shown, the commissioner may annul the adjudication; otherwise notice of the bankruptcy will be inserted in the gazette and the fiat will be prosecuted. But proceeding upon the assumption that the bankrupt’s admission is the best evidence of the fact, it is declared that, with his consent, the advertisement in the gazette may be inserted without any interval. Various other provisions are made for the purpose of establishing the validity of the fiat if not contested effectually within definite periods, and for obviating difficulties of procedure hitherto felt; but they are of too technical a nature to render a detailed exposition of them necessary or useful to the general reader.

Another and most important alteration made in the prin-

ciple of bankruptcy law is that which has withdrawn from the creditors the power of granting or withholding the certificate of conformity with the law, which operates as a bankrupt's discharge from his debts ; this is now made a judicial act. By the 39th section, when the bankrupt has passed his examination, the Court is authorized to advertise a public sitting (of which twenty-one days' notice is to be given) for the allowance of the certificate ; and at that sitting any of the creditors may be heard against its allowance, but no signatures of any of the creditors are required to give effect to it. When allowed by the commissioner, the certificate must also be confirmed by the Court of Review, and against that confirmation the bankrupt's creditors have again the opportunity of being heard.

So long therefore as the principle of a certificate is to be retained,—a principle altogether erroneous,—the present law appears to hold the scales even between the bankrupt and his creditors. In considering the conformity of the bankrupt to the law, the Court is to have regard “to his conduct as a trader before as well as after his bankruptcy ;” and instead of absolutely refusing to allow the certificate, it may suspend its allowance, or “annex such conditions thereto as the justice of the case may require.” Formerly, whatever may have been the conduct of the bankrupt previously to his bankruptcy, if he subsequently gave a full and plain account of his acts, how fraudulent soever they might have been, (supposing them not to have been statuteable misdeeds,) the commissioner had no discretion to refuse to allow him to pass his last examination ; and it was no uncommon case for a bankrupt, whose misconduct had obviously rendered him a fit object for punishment, by an explicit confession of his misdeeds, to pass the ordeal of the last examination in spite of the opposition of his creditors and the disapproval of the Court itself. If civil incapacity is still to form the punishment of the fraudulent trader, it must be admitted that the more ample discretion now lodged with the commissioner is necessary and proper for the just administration of the law. All the trader's dealings may have had the character of fraud, yet if he had kept good accounts, and after his bankruptcy had conformed to the provisions of the bankrupt-acts, there was no discretion



with the Court. Such bankrupts were not unfrequently enabled, by means of friendly creditors, to obtain their certificates, whilst others, against whose conduct there was no serious imputation, and who had been passed by the Court without hesitation, were unable to obtain from their creditors sufficient signatures to secure their certificates. Yet it is a subject of grave question, whether in any case it is desirable to visit a trader with that absolute disability to hold property, which is the consequence of withholding that discharge from his debts afforded by the certificate. As a punishment it is unequal; and it is doubtful whether the power of annexing conditions to the certificate, or of suspending it for a time, now first given to the Commissioners, will enable them to appportion its penal operation so as to mete out equal degrees of punishment. The social evils produced by such a method of punishment are many and considerable. The most usual consequence of refusing a certificate is to cause the bankrupt to be incarcerated by some vindictive creditor,—justly or unjustly incensed,—and to compel him, after all the misery and demoralization of imprisonment, so forcibly alluded to in the Report of the Commissioners of Inquiry, to resort to the Insolvent Court for personal liberty. For that purpose he must procure *some* money, whilst the period during which he has been in gaol, to say nothing of the fact of imprisonment, has served to make *honest* means of livelihood more difficult of access to him than they would have been previously. If the conduct of the trader has been such as to make him amenable to punishment, it should be direct and definite,—the result of a criminal prosecution, with the safeguard of judge and jury. This would not have the appearance of persecution, which is always the case with imprisonment at the suit of an individual creditor, and would operate strongly as an example upon that portion of the trading world whose necessities tempt them to expedients of a suspicious character. That the ordinary cases which excite the anger of creditors do not in their deliberate judgement call for a punishment so severe as the refusal of the certificate, is proved by the examination of Mr. R. Marshall (Q. 845—852), when pressed to define the degree of imprisonment he would contemplate for fraudulent debtors: in answer to the question of “Do you allude to the treadmill or hard labour?”

he said "No; that I should only resort to in extreme cases, if at all;" and that he would only inflict imprisonment accompanied "with limited intercourse with friends, and being locked up at certain hours, *in very bad cases.*"

And this seems to be the real distinction, that in "very bad cases" the penalties of a misdemeanour should fall upon the fraudulent trader, whilst in all others, for the sake of society rather than of the bankrupt, bankruptcy should operate as a final quittance.

The shifts which are resorted to by uncertificated bankrupts to embark in business unknown to their assignees,—the legal owners of all they possess, whether acquired by themselves or borrowed from others;—the injury often done to subsequent creditors, to whom the previous bankruptcy of their debtor was unknown, are constantly mentioned in the evidence appended to the Report. Then the Commissioners of the Court of Bankruptcy, sitting as they do in courts but little frequented by the public (except that part of it which forms the class of creditors), sympathising with and chiefly acted upon by creditors, and entertaining that natural feeling of aversion commonly felt by well-paid functionaries towards the man unable to pay his debts, scarcely form the tribunal to whose uncontrolled discretion a careful legislator would yield such fearful power to punish as that implied in the right to grant or refuse a bankrupt's certificate; in fact it is not consistent with the spirit of English law, that consequences so severely penal should be the result of the sentence of *any judge unaided by a jury*; and to this conclusion, it may safely be predicted, a few years' experience of the new law will bring most enlightened thinkers. Another important change in the bankrupt-law is the extension of the London system to the country. The Chancellor is authorized to appoint twelve commissioners of bankrupts to be located in different country districts, to whom in future all the fiats beyond the London district—which is extended—are to be directed. To each commissioner a deputy registrar, official assignees and messengers are appended. All these functionaries have been appointed, and the appointments have raised a storm of newspaper controversy, which, as regards the commissioners at all events, is scarcely justified by the occasion. Without



reflecting upon the gentlemen who have been appointed, it must be allowed that very little regard has been paid to individual fitness. Few, if any, of them have had that description of practice which should have formed the training of a judge in bankruptcy, whilst the claims of many barristers, admirably suited to the office, have been overlooked. They are, however, in general men of sense and integrity, and will probably perform their duties to the satisfaction of the public. None of the present London commissioners were men of very high standing or of great practice at the bar, yet it is admitted on all hands that they have efficiently executed their duties, and in general their decisions seem to meet with the approval of the mercantile community. Since the above was written, the sudden death of Sir John Cross, the only remaining judge of the Court of Review, has opened the way to a further improvement of detail in the Bankruptcy Courts. Sir James Knight Bruce, one of the recently appointed Vice-chancellors, has been nominated Chief Judge in Bankruptcy, to which he will allot a sufficient portion of his judicial time. Thus the more difficult cases have again been practically brought under the jurisdiction of the Court of Chancery, a circumstance that will be satisfactory to the legal profession, and, with the present increased number of Equity judges, will not interfere with the ordinary business of Chancery. Something like the present arrangement was suggested by Mr. Basil Montagu in his evidence before the Commission of Inquiry, and from two of the judges of the Court of Review having been removed to other situations, such a plan was obviously contemplated by the late government.

Upon a review of the gradual ameliorations of the law of debtor and creditor which have from time to time been made, from the age of Henry the Eighth down to the last session of parliament, it is plain, that though much has been done to bring that law into accordance with the spirit of the present day, much yet remains undone; and from the difficulty with which the legislature and the legal profession are brought to reconsider subjects of this class, and the reluctance with which the latter as a body are moved from their ancient ways, it is not unlikely that the actual state of the law as regards debtors and creditors—a state which, notwithstanding, we must call it

transitional—may continue for a considerable period. Nevertheless, the degree in which the recent changes have fallen short of that point which sound principle would dictate is marked and obvious. In the case of traders, prompt and efficient means of testing the solvency of a debtor have been provided, whilst protection from *ex parte* and fraudulent adjudications of bankruptcy, previously the sources of so much evil, has been given; facilities are also offered to embarrassed traders to effect an early and equitable division of their assets amongst their creditors; and that powerful engine of oppression which the law placed in the hands of creditors, when it left them the discretion of granting or refusing a bankrupt's certificate, has been destroyed by the change which renders the grant a judicial act. So the establishment of a uniform system for the administration of the bankrupt-law throughout the country will undoubtedly be found an enduring benefit to the trading classes. Then a protection from personal imprisonment, which may be obtained by the smaller insolvent traders, and by insolvents not engaged in trade, under Lord Brougham's act, will not only lessen the amount of immorality and misery which the law permitting imprisonment for debt occasions, but will demonstrate practically how safely and wisely that barbarous law may be totally abrogated. We believe that at no very distant period the Insolvent Debtors' Court, with the cruel law which called it into being, will cease to exist.

These are no inconsiderable improvements, and will afford extensive relief both to debtors and creditors. Yet there will be numerous cases of wrong, in no way distinguishable upon principle from those remedied by the recent alterations, which will continue unredressed. There will still remain a large class of insolvents, who, though freed from personal arrest, will remain liable through life to be taken before the Bankrupt Court by any creditor who may suspect them of having acquired a modicum of property; they will have given up everything, and yet remain undischarged from their debts. That such persons will be comparatively useless members of society might be assumed from a consideration of the motives by which men are actuated; and such has been shown by the operation of the existing law to be the only effect of keeping a



cloud of hopeless debt hanging over the head of a man who has once failed. That such men are not likely to earn more than a bare subsistence, every day's experience proves. And this will be the condition of all insolvent persons who do not come under the still technical denomination of traders, or who being traders shall not be made bankrupts, as well under the new as the old law. Here is one glaring deficiency. Another will be found in the retention of the principle of a certificate in order to the discharge from debts. It is true creditors cannot now, from caprice or more sinister motives, absolutely prevent the bankrupt from obtaining his certificate, but the effect which a strenuous opposition before the commissioner, and subsequently before the Court of Review, must frequently have, will form a means of coercion little less stringent than the *sic volo sic jubeo* power formerly possessed by the creditors. If, in the absence of fraud, it is fit that an insolvent should be absolved from legal liability to perform his obligations—and the whole tenor of the bankrupt and insolvent law proves that society deems that it is fit—the distinction between fraud and misfortune or imprudence ought to be made plain and definite. This can only be attained by affixing a criminal character to that which the law shall declare to be fraud, and inflexibly enforcing punishment for every such offence, whilst the strictly civil process under which the insolvent's effects are divided should of itself operate as a discharge from his debts. Fraud upon creditors is as strictly a criminal offence as picking pockets, and ought to be dealt with in the same way; the accused debtor being entitled to the protection of a jury, and the accusing creditors being bound on behalf of the public to prosecute the offence. Creditors who have been actually defrauded should be no more permitted to compound the fraud, than he who has been robbed on the highway is allowed to compound the felony; but wherever fraud is not proved, debtors ought not to be visited with a civil disability so fertile in suffering and wrong as that which prevents any future acquisition of property.

The chief, nay the only substantial, obstacle to the total abolition of imprisonment for debt lies in the tenderness of the legislature towards those debtors who are not traders, in abstaining from subjecting them to personal examination as to the

validity of claims made against them. Such an examination would be a real equivalent to creditors for the surrender of the illusory power of imprisoning their non-trading debtors. There are numbers of rich men, or men who might be rich by simple abstinence from extravagant expenditure, setting their creditors at defiance in spite of the law of arrest, and of the various facilities for attaching property which have been given to creditors within the last ten or twelve years. To such men, a summons before a court of justice, to be followed in case of disobedience by a process of bankruptcy, would operate as a moral corrective, and its general effect would be, to prevent much of that inconsiderate acceptance of credit which is so mischievous to the morals and so destructive to the happiness of our aristocracy. If a gambler (of whom it is scarcely uncharitable to imagine that he has legitimate debts unpaid), or one who refuses to pay a just demand, in haughty reliance upon his weight of purse, or any one of the numberless other improvident poor-rich men whose cases will occur to the reader's mind, could be summoned to the Bankrupt Court and there compelled to deny or admit his fair debts, and on admitting them to make immediate provision for their discharge, or submit to a distribution of his effects under a process analogous to bankruptcy, with the obligation of accounting for past receipts and justifying past expenditure, does any one believe that with such a possibility the reckless improvidence of the one, or the unjust obstinacy of the other debtor would exist? In less extreme cases, where the credit tradesmen are but too willing to force upon the acceptance of persons of station and property is taken to an extent which neither prudence nor morality can justify, whilst a large portion of available income is spent luxuriously or wantonly, the knowledge that a general account *may* be enforced by a compulsory process would act as a most beneficial check. Thoughtlessness is the common origin of debt, and when the original position of a debtor was such as to make it difficult for him to avoid rather than to obtain credit, the most salutary state of the law is that which will render him cautious in incurring unnecessary obligations. That such would be the effect of extending the operation of the bankrupt-laws uniformly to all debtors, we have no doubt; and until that is in effect,



though perhaps not in name, accomplished, we do not expect the total eradication of that social evil—imprisonment for debt, which is the point upon which all future improvements in the law of debtor and creditor must depend.

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## ARTICLE V.

*The Kirk of Scotland.*

*A Temperate Remonstrance respectfully addressed to the Legislature in relation to the Scottish Church Question.* By JOHN HAMILTON, Esq. 8vo. Edinburgh, 1840.

IF the half of the clergy and people of one of the smallest dioceses in England were to secede from the Establishment, finding it impossible, after wrangling for three or four years, to agree with the other half on some point of discipline, we may be certain that all classes would eagerly endeavour to learn the causes of a controversy which produced such deplorable effects. The whole of one of the three kingdoms—Scotland—has been for several years agitated by a religious controversy, which has at last produced a secession of hundreds of its ministers (some of them distinguished above all their brethren for their talents and acquirements,—all of them for their piety and high principles) and of thousands of its lay members from the Established church; yet we in England generally know and care less about the origin, progress and present state of this controversy than we do about the success or failure of a favourite horse at Ascot, although what affects so important a part of the United Kingdom in so vital a point as religion concerns deeply the welfare of the whole of Great Britain, and may ultimately produce serious evils to its most distant provinces. The government, taking advantage of the general apathy of the English public, gets its usual English supporters to assent to any measure which an influential member of the cabinet thinks it expedient and politic for the good of his party to adopt; and then we bitterly complain if a Scotch-

man or an Irishman is not satisfied with the decision to which the Imperial Parliament has come on subjects about which Englishmen show so much indifference, although English members vote with less hesitation than they do on a question concerning the squabbles of an English vestry.

x Of all the bills hurried through Parliament toward the end of the last session, Lord Aberdeen's act for settling the kirk of Scotland, or, more properly, removing what he called *doubts* respecting the admission of ministers to benefices, is undoubtedly the most important, whether we regard its immediate or only its remote consequences. The solemn and sacred compacts which it breaks; the insult it puts on the highest judicial authorities in the country; the unheard-of power it confers on a set of priests—the accommodating supporters of the government—at the expense of the just rights of the people, the patrons, and the spiritual independence of their church; and the bungling manner as well as the perverse obstinacy with which this piece of legislation has been forced by an unconcerned, careless and dependent English majority on the majority of the Scottish people, as represented by their members;—out of Scotland this has not attracted the slightest attention. A speech from Lord John Russell, an article in the *Times*, one or two in the *Morning Chronicle*—such is the whole notice that this dangerous piece of legislation has received at English hands. Would it were in our power to remove this fearful apathy, and awaken the English people to the importance of this momentous subject! Late though it be, it would be better for them to open their eyes now, than to conceive all to be harmony and peace in the northern provinces of Great Britain, where a struggle and a schism is raging which may ultimately cause incalculable misfortunes to the South. By alertness and fairness these evil consequences might still be averted, and perhaps concord and charity brought about where, by this act of parliament, strife and dissension have been fostered and increased.

Previous to laying the facts of the case before our readers, we beg of them to recollect, that to render justice to this subject it must be considered as a strictly Scottish one, and therefore looked upon, not with English, and still less with episcopalian, but with Scottish and presbyterian eyes.



It may be that the English church is perfect, and that it would be desirable to have the whole world agreeing in such an opinion and conforming to its rules of faith and discipline; but as the kirk of Scotland *is not* the church of England, and as it would be obviously unjust to judge of the latter according to the principles by which the former is guided, so would it be equally unjust to do the reverse. We cannot better impress this on our readers than by the words of the sensible and well-informed Scotch advocate, Mr. John Hamilton, a determined Tory, who in the work, the title of which is prefixed to this article, expresses himself as follows:—

"The Scottish system is adapted to Scotland. The English system is adapted to England. The two systems are as different as are the different histories, fixed characters, habits and notions of the two people,—and not more so. If any change should ever come to be required in England, let it be adapted to the then existing exigencies of England; but neither then nor now can the one country be a rule for the other in the things in which they are the most opposite. Each of the national systems—resting on its own national, and therefore secure, basis—is a defence and bulwark to the other; but if you shake one of them from its foundation, you will inevitably shake, and in the end destroy them both."—Page 9.

In order to act in a fair, just and reasonable manner, the members of the Anglican church, in judging of the Scottish establishment, ought to recollect the different circumstances under which the Reformation was first introduced into, and then proclaimed the national religion of, both countries. This has likewise been stated by Mr. Hamilton with great fairness and perspicuity in the following words, in transcribing which we only regret that they are imbued with the intolerant and uncharitable calvinistic spirit of the early reformers and modern fanatics against the church of Rome, unworthy of a gentleman of Mr. Hamilton's talents and education:—

"The character and peculiarities of the Scottish ecclesiastical system were, at once and indelibly, stamped upon it—*by its origin*. In England the Reformation from Popery was effected by the sovereign authority and through the established organs and forms of the constitution. Acts of parliament threw off a foreign yoke, and purged away the accumulated corruptions of centuries, so far as was judged necessary or expedient; and the previously established system, thus modified and reformed, was thenceforward continued as the ecclesiastical system of the country. In Scotland the Reformation was effected *by the people*, in the fullest and largest sense of the word,—in the face of the whole power of the state, wielded by a

Popish sovereign, backed and supported by the influence and resources of the Popish League.

"Hence *two* consequences inevitably followed: *first*, that the change effected in Scotland consisted of an *annihilation* of the old antagonist and resisting system, and the construction of a *new* system upon its rased and obliterated foundations; and *secondly*, that the whole mass of society having been necessarily impregnated with the principles and spirit necessary to the effecting of such a revolution, the system that arose out of it inevitably partook of a more diffused and popular character. I do not inquire whether these circumstances were favourable to the character of the new system erected in Scotland or the reverse. I merely state the historical facts. No one had power to alter the circumstances when they occurred; and no one can alter them or their necessary consequences now. The people of Scotland were not to remain enslaved in mental and religious bondage because an effort was requisite for their emancipation; and, the effort being made and the emancipation effected, all that remained was to secure its permanent benefits, by a system conformable to the circumstances in which their effort had placed them.

"The Scottish Reformers were men not unequal to the emergency. The strength and malignancy of the Papal tyranny had consisted in its being a system of priestcraft and superstition, based upon popular ignorance studiously maintained. The very elements of such a system the Scottish Reformers purposed to scatter for ever, by sketching a scheme of national education the most liberal that has ever yet been devised, and combining with it a system of moral and religious culture calculated to reach to every individual member of the community. This scheme, educational and ecclesiastical—though at no time realised to its fullest extent, and though in more recent times it has failed in some quarters to overtake the rapid increase of the population—has yet been realised in such substantial measure as to make the Scottish people what they are,—the most intellectual, moral and religious people that is, perhaps, to be found in the world; and it still retains and manifests in itself that vital and expansive force, by which, if not now strangled and destroyed, it will, at no distant period, achieve to its full extent all that was ever imagined of it by its most enlightened and patriotic founders."—*Pages 12, 13.*

The writer hence argues that the people, on having thus thrown off the yoke which Roman Catholicism and a Roman Catholic sovereign had imposed and supported, had recourse to the popular election of their pastors, according, as he contends, to the earliest discipline of Christianity; and, we may add, according to the circumstances in which the early Scotch reformers found themselves placed, and the democratic nature of their reformation. Granting, however, that *at first* the reformed ministers were elected by the congregations, and granting that such was the early practice of Christianity, we confess we



should not hold this alone conclusive as to the *right* of the people to do so at present. As our readers will presently see, the actual controversy originated from the *liberum veto* which each congregation insisted on having on the election of the minister—a much more limited power than that of election—and Lord Brougham, in his judgement on the Auchterarder case, has entered at some length, and with much display of learning, into the point,—how far the congregation had a right to consent to, or dissent from, the election of the minister in the fifth century? an inquiry, we confess, more curious than useful. First of all, the period chosen by Lord Brougham is not so early as a presbyterian church particularly would consider necessary to carry weight; and next, much more might be said than Lord Brougham chose to say on the subject\*. What is of more practical importance is to ascertain whether the consent, *either tacit or express*, of the congregation to the election of a minister has not always been considered necessary in Scotland since the Reformation, and whether this *necessity* has not been constantly urged in a variety of ways? It may be that the congregations have not always succeeded in enforcing this *right* (supposing they possessed it); it may be they have been cheated out of it even by legislative enactments; but an act of parliament is a very good warrant for a judge deciding a case, whilst it is no reason at all for perpetuating an iniquity,

\* The whole system of elections according to the practice of the primitive church has been explained by Sarpi in his 'Trattato delle materie beneficiarie' in the following words:—"Il Vescovo era eletto dal Popolo e ordinato dal metropolitano alla presenza di tutti i Vescovi comprovinciali, ovvero con loro consenso prestato per lettere da quelli che non potevano intervenire . . . I Preti poi e i Diaconi e gli altri chierici erano presentati dal Popolo [this is more than what the Scotch people ask]; ovvero nominati dal Vescovo, e col consenso della plebe [precisely what the Scotch wish] ordinati da lui. Un incognito non era mai ricevuto, nè il Vescovo mai ordinava chi non era approvato e lodato anzi proposto dal popolo; e tanto era giudicato necessaria il consenso e la presenza del popolo, che S. Leone I. Pontefice alla lunga tratta non poter esser valida nè legittima l'ordinazione d'un Vescovo che dal popolo non fosse richiesto ed approvato, il che anche dicono tutti i Santi di que' tempi . . . cosa degna d'esser notata per li tempi nostri quando si predica per illegittima e nulla quella elezione dove il popolo volesse la parte sua." Does not this seem written for Scotland in 1843? The words of S. Leo which Sarpi quotes are as follows: "Cum ergo de summi sacerdotis electione tractabitur, ille omnibus proponatur quem Cleri plebsque consensus concorditer postularit, ita ut si in aliam forte personam partium se vota diriserint, Metropolitanus iudicio is alteri præferatur qui majoribus et studiis juvatur et meritis; tantum ut nullus invitis et non petentibus ordinetur, ne Civitas Episcopum non optatum aut contemnat, aut oderit et fiat minus religiosa quam convenerit, cui non licuerit habere quem voluit."

and delaying to restore what ought never to have been taken away.

This renders it necessary to enter as concisely as we can into the history of the election and admission of ministers to benefices in Scotland since the Reformation was recognised by the state, and to enumerate the most important among various legislative acts which have been passed on the subject.

The first of these acts was passed in 1567, when the right of "laick patronages was acknowledged, and the examination and admission of ministers being reserved to the kirk, the presentation was reserved to the just and auncient patrones." In 1592 a second act was passed, by which it was ordained that "the presbyteries be bound and astricted to receive and admit whatsumever qualified minister, presented be His Majesty or laick patrones." These acts however were not altogether welcome to the church; they were used only as stepping-stones to higher pretensions by the civil government, which, as is well known, went on gradually encroaching upon the presbyterian government and principles of the church, till the Assembly in 1638 reasserted them and the supremacy which the king had usurped was overthrown. Free from courtly intrigues and influence, the kirk in 1649 gave the nomination or suggestion of the minister to the *elders* or kirk session, (themselves elected by the congregation, and therefore their representatives,) leaving to the congregation at large the power of consenting to, or dissenting from, the nomination thus made. After the Restoration, however, these acts were repealed, and the same tyranny which kept the nation, kept the kirk in bondage; but so soon as the Stuart dynasty was forever hurled from the throne, the church of Scotland was at last set free. An act passed in 1690 (1 W. & M. ch. 23) abolished and annulled the power of patrons to present ministers to any kirk, and the right of presentation was transferred to the Protestant heritors (landowners) and the elders of the parish, the whole congregation having the right to approve or disapprove the nomination laid before them by these electors.

Thus stood the law at the time of the Union, and when the solemn compact was entered into by the two nations to preserve the kirk and her constitution intact. In spite of this



however, in 1712 an act was passed to revive patronage, repealing the act of 1690\*. We must admit the force of Mr. Hamilton's indignant words (p. 24), speaking of this slippery transaction, and acknowledge with shame that they are not undeserved :

" A statute, originating in such quarters and enacted for such ends ; ' *invented* ' by ' *rash* ' persons for the express purpose of ' *creating jealousies* ; ' recommended and pressed by revolutionists and Jacobites ; and passed in order to favour a rival and *disloyal* church,—not by any act of countenance or assistance extended to itself, but by the infliction of a deadly wound on that Established church which the nation was bound, by every principle of honour and sound policy, to cherish and defend ;—such a statute, I say, is one of which the English nation can have no reason to be proud, and the maintenance of which it would seem that England ought not to seek with any degree of overjealous watchfulness. I know not what lapse of time may be held sufficient to purge away the injustice and dishonour that stain the origin of any national act ; but the fruits of this rash, traitorous and impolitic measure may be easily traced in many intervenient calamities, as well as in our present troubles ; and if any alteration or modification on this, the first and most unjust cause of all, would yet save and restore us, it will not be in the original character of this act that the English people will find grounds to resist the change."

The pretence for passing this law was set forth in the preamble to the act itself, viz. " that the power of presenting ministers to vacant churches, of late exercised by patrons, hath been greatly abused, and is inconvenient to be continued in this realm." Admitting the truth of what is here asserted, can anything be more violent than to repeal a law which the nation had solemnly bound herself to keep inviolate, on the ground that " it is inconvenient to be continued ?" Presbyterianism itself may be *inconvenient to be continued*, and by the same process of reasoning it might be abolished. In point of fact, however, it is denied that the act of 1690 had been abused. " It should never be forgotten" (says Dr. Chalmers in a letter to Lord Aberdeen, dated March 10, 1840), " that the church was never more efficient as a Christian and moral institute than from 1690 to 1712, and that,

\* It has been argued that the act of 1690 was only repealed in part, and so far as regarded *presentation*, which was restored to the patrons, whilst the right of the congregations to refuse the person presented was left untouched. This we cannot admit to be a sound interpretation of the act of 1712, and nothing in our opinion can be clearer than Lord Brougham's refutation of this notion of partial repeal in moving judgement in the Auchterarder case.

"in opposition to the lying preamble of Queen Anne's act," (passed by the doctor's Tory friends of the time,) "for the restoration of patronages, there had only occurred fourteen disputed cases in twenty-two years."

The act thus forced on the Scottish nation was for several years a dead letter. This was admitted by Sir James Graham in moving the second reading of Lord Aberdeen's act (on the 31st of July last), who said that—

"he was free to admit, that after the passing of the act [of 1712], for a very considerable time, the practice prevailed of consulting directly the feelings and opinions and interests of the parishioners. The change in the statute law did not at once introduce any material alteration in the practice of the Scottish church in this respect; and though the patron exercised the right of nomination, the parishioners exercised on their part very great control over the admission of the presentee; but in the lapse of time the feelings and wishes of the parishioners came to be less attended to, and the powers of the patrons and the crown very much increased. Up to the year 1784 an annual address was delivered by the General Assembly against the exercise of patronage by lay patrons; but from 1784 to 1834 no such protest has been presented. The complaints, however, upon the subject were no less great in the body of the church, and in 1834 the General Assembly passed the Veto Act."

This is all very true; but true it is also that the great majority of the ministers became not only reconciled but attached to the system of patronage, whilst they are said in general, in the same ratio, to have become less efficient and less liked by the people, who were more pleased with *seceders* and dissenting ministers, over whose appointment they had more control. In time, however, the lay patrons began to perceive that they had a great interest in having a more popular clergy among their dependents, and by consulting more that interest they contributed to introduce into the kirk a number of ministers, who eventually turned the anti-patronage minority into a majority in the Assembly. Yet this majority might not have shown itself so soon on this important point, had not the attacks of all the enemies of the kirk—Catholics, Episcopalians, Methodists and Independents, or supporters of the voluntary principle—rendered it necessary for her to look to her own condition. A number of *seceders* were ready to join their old kirk if this single point—non-intrusion—was once more admitted to be part of the discipline of the Establish-



ment, and the voluntary-principle men in the kirk would have become seceders if nothing was done towards rendering the church of Scotland both religiously and politically more independent of the government. In 1834 the Assembly passed an *interim* act, which has since received the assent of the majority of presbyteries, to which it was remitted in the form of what is called an *overture*, declaring

"that it is a fundamental law of this church that no pastor shall be intruded on any congregation contrary to the will of the people. And in order to carry this principle into effect, the presbyteries of the church shall be instructed, that if in moderating in a call to a vacant pastoral charge the major part of the male heads of families, members of the vacant congregation and in full communion with the church, shall disapprove of the person in whose favour the call is proposed to be moderated in, such disapproval shall be deemed sufficient ground for the presbytery rejecting such person, and he shall be rejected accordingly."

This is the tenor of the famous Veto or non-intrusion Act.

Soon after this, Mr. Young, a presentee to the parish of Auchterarder, having been vetoed by the congregation and refused to be received on trial by the presbytery, brought, in conjunction with the patron, an action against the presbytery for this refusal, asking the court of session to declare such rejection illegal, being wholly founded on the veto of the parishioners. The court, by a majority, declared the rejection of a minister in respect merely to the veto of the parishioners illegal, and the presbytery bound to admit the presentee to make trial of his qualifications, and if found qualified, to admit him as minister. Lords Brougham and Cottenham affirmed this judgement on its being carried by appeal before the House of Lords. The church, however, insisted on the legality of the popular veto, and thus the conflict between civil and ecclesiastical power became direct and irreconcilable. The supporters of the claims of the church declared the decision to be an invasion of its spiritual functions by the civil power; whilst the other party charged the church with open resistance to the law of the land. To those who claimed an independent and supreme jurisdiction for the church in church matters—and what church matters were, the ecclesiastical authorities claimed for themselves (only, however, as to ecclesiastical purposes) the right of deciding—it was answered, that as the church held her temporalities of the state, she must either

relinquish them or submit to the decision of the civil courts. These questions have always been extremely delicate and difficult to handle; but with respect to the church of Scotland the delicacy is much increased by her peculiar discipline, inasmuch as the admission of a presentee to a church—except in the case of transportation (that is translation) from one parish to another—partakes more of a spiritual character than in other churches, the presentee being *ordained* at the same time that he is admitted as minister to the church to which he has been presented. The law, as expounded by the House of Lords, was not therefore satisfied with compelling a presbytery to admit a *priest* to take possession of a living, if no legal objection to the admission was shown,—in the same way as it obliges a bishop in the episcopalian churches to *induct* a presentee not disqualified according to the canons,—but it actually compels the presbytery to *ordain* the presentee, and confer on him the priestly character in order that he may become a minister of the parish presented to him. This most important peculiarity of the case ought not to be forgotten by those who talk so indignantly of the resistance of the church to the civil power in *temporal* affairs, as if to *ordain a priest* had nothing spiritual in it!

It is unnecessary to detail the effects of this conflict; how the Assembly deposed the ministers who did not obey the orders of the ecclesiastical authorities, and how, on the other hand, the civil courts took steps to assert their authority. But this must be noticed, that although the civil courts saw their orders or interdicts disregarded, they took extremely moderate measures for vindicating their authority and enforcing their decisions,—so much did they feel the importance of the party who for conscience-sake chose to displease the temporal power. The civil law had been declared by the House of Lords, but it was not respected by parties who considered themselves bound to bow to a higher tribunal than the House of Lords. Nothing but a law which acknowledged the absolute supremacy and independence of the church in whatever related to her spiritual concerns could satisfy the majority of the church party; nothing but an absolute submission to the civil tribunals could satisfy their opponents: hence all attempts at legislation—at doing *something*—to bring about



concord, were then acknowledged to be worse than useless, as it must be more easy to displease all than to please even a few. The supporters of the veto urged on the government the necessity of acknowledging this right of the people, and did at last declare that when it should become indispensable either to submit their church to the control of the civil power, or cease to hold preferments guaranteed by the civil law, they would not hesitate to sacrifice their worldly possessions to what they conceived their spiritual duty. Their opponents, judging of the feelings of others from their own, incapable of conceiving so much high-mindedness, and imagining that when the moment arrived such enormous sacrifices would be required as would make most people shrink from acting up to their declarations, flattered themselves that the storm would blow over, and that after all a few insignificant fanatics only would secede from the Established church. But when the moment for decision arrived, it was seen how well-grounded was the estimation of the importance of this schism which the Liberals chiefly had not failed to urge on the public, and how unnecessary were the indecent taunts of certain Tory conclaves to provoke the separation of the vetoists from the church. Nearly 500 ministers (not far from half of the whole clergy of Scotland), about 200 licentiates, and thousands on thousands of the people ceased to form part of a church which all parties agree had done more for the nation—so long as it was not forced on it, but planted in the hearts of the people—than any other church in Christendom.

It was after this consummation that Lord Aberdeen (backed by the influence of the government and in spite of the majority of the Scotch members of parliament) thought it incumbent on himself to carry a bill which neither could, nor was intended to, heal the wounds already inflicted\*, but was expected to please his Tory supporters, to whom the people, as well as the patrons, the church and the House of Lords, were to be sacrificed.

And first, with respect to the people. We have seen that

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\* The Solicitor-general avowed this in so many words in his speech on the second reading of this bill. He said, "he did not understand it to be brought in with any hope of bringing back any considerable number of ministers who had seceded." It certainly looks as if this law was meant to render it impossible for any seceder to come back, and to force honest and single-hearted churchmen to secede.

they claimed, and their Assembly when free and un mutilated had acknowledged, the right of not having an obnoxious person intruded on them as their minister. By Lord Aberdeen's act this right is taken from the community; but leave is granted to one or more of the parishioners to object to any presentee, stating the special grounds of objection, of the validity of which the presbytery and the higher judicatories of the church shall be the sole judges. In order that our readers may value at its real worth this incredible piece of legislation, we beg to insert *verbatim* the second section of the act of parliament.

"And be it enacted, that the objections or reasons aforesaid shall be fully considered and disposed of by the presbytery by whom they are to be cognosced and determined on judicially, or shall be referred by the presbytery to the superior judicatory of the church for decision, as the presbytery may see cause, the presentee and all parties having interest being heard in either case on the same; and the presbytery or other judicatory of the church, to whom the said objections or reasons shall be stated or referred as aforesaid, shall, in cognoscing and determining on the same judicially, have regard only to such objections and reasons so stated as are personal to the presentee in regard to his ministerial gifts and qualities, either in general or with respect to that particular parish, but shall be entitled to have regard to the whole circumstances and condition of the parish, to the spiritual welfare and edification of the people, and to the character and number of the persons by whom the said objections or reasons shall be preferred; and if the presbytery or other judicatory of the church shall come to the conclusion, as their judgement on the whole matter, that the said objections or reasons, or any of them, are well founded, and that in respect thereof the individual presented is not a qualified and suitable person for the functions of the ministry in that particular parish, and ought not to be settled in the same, they shall pronounce a deliverance to that effect, and shall set forth and specify in such deliverance the special ground or grounds on which it is founded, and in respect of which they find that the presentee is not qualified for that charge, in which event they shall intimate their deliverance respecting the presentee to the patron, who shall thereupon have power to issue another presentation within the period of six calendar months after the date of such deliverance if no appeal shall be taken to a superior judicatory of the church, or in the event of an appeal being taken to a superior judicatory of the church, then within six months after the date of the judgement of the superior judicatory of the church affirming the deliverance of the inferior judicatory of the church or dismissing the appeal\*."

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\* The wording of this section is worthy of the rest of the act. The presbytery, it is said, shall "have regard *ONLY* to such objections as are personal to the pre-



We think we cannot do better than transcribe the objections made by Mr. Rutherford to the new jurisdiction thus given to the presbyteries, on the second reading of the bill being moved by Sir J. Graham.

"He must here remark upon the nature of the power which they were giving to the church, and the probable effects which its exercise would give rise to. The presbyteries were to consider the ministerial gifts and qualities of the person appointed, not only generally, but with regard to the particular parish. They were not confined to literature, life and morals. Everything was to be considered which could fall under the terms 'ministerial gifts and qualities.' They were to have regard, too,—let the House well consider this,—to the circumstances and condition of the parish, and what was more extraordinary than all, they were to consider the number and character of the objectors; so that if twelve or twenty objectors came forward, the first thing to be considered was, not merely the objections themselves, whether in themselves they were good or bad, but the character of the objectors. (Hear, hear.) By this method of proceeding, an objection might be reckoned a good one if proceeding from a good man, but a bad one, and one not to be taken into account, if brought forward by an unprincipled person. (Hear, hear.) The presbytery was to be called upon to institute a strict judicial examination into the life, character, manners and conversation of those who made any objections. An objection from A. B. might be a good one, if A. B. was a good man; but if, on the contrary, A. B. had been known to swear, to talk loosely, if he did not attend church regularly, if he buried his child on a Sunday—(A laugh)—for that was a great offence in Scotland—(A laugh)—then A. B.'s objection, however strong in itself, was naught. (Hear.) They proposed to give the presbytery power to go into deep considerations affecting a man's character,—affecting the happiness of his family. Was there ever such a measure? At this time of day, were they going to arm the presbyteries with this general power of inquisition into the life of any person who might state objections? They were not to consider the objections, but go out of the way to consider the objectors; and they not only empowered the presbyteries to do so, but enjoined upon them this unconstitutional duty. He did think that this was a most extraordinary law to be proposed. Looking at the 2nd section, it was difficult to see what it meant. It looked as if certain words had been taken out of another section, and which did not stand well in juxtaposition with the rest. Perhaps, indeed, that was the history of the clause, and if this House had the votes of the other House of parliament, that might possibly appear; at all events it looked very like it."

sentee," which would do very well if a few lines afterwards we did not find, "but shall be entitled to have regard to the whole circumstances of the parish." They shall have regard *only* to this, but shall have regard to that and the other. Probably the little word *not* before *only* dropped out; but as Mr. Rutherford suggested its insertion, it was resisted as a matter of course, and a majority of the House supported the government even in this.

And now, secondly, as to the patrons. The House of Lords declared the law to be, that the presentee had a right to his trials, and to being appointed minister of the parish to which he was presented if he were found *qualified*, that is, "sufficient in literature, correct in doctrine, and of unquestionable morals." A patron therefore had a right to see such a person admitted; no other objection could be entertained, but to his want of qualification in literature, doctrine and morals. Lord Aberdeen's act, which refuses the people a veto, transfers it to the presbyteries, authorizing them to decide, on far different grounds, upon the qualifications of a presentee. And here again let us see what Mr. Rutherford observed, when he vainly endeavoured to open the eyes of a packed majority of English members to the pernicious effects which the passing of that bill would have in Scotland.

"But the objections to the bill were endless, and as they increased in number they did not diminish in importance. They were invading the rights of patrons,—at least if the House of Lords had justly defined the rights of patrons,—and he would take the liberty of saying that many people had no great dislike to the measure upon that score—(Hear, hear)—imagining, and justly too, that if the rights of patrons were once encroached on, and that barrier broken down, no serious obstacles would remain to the introduction of popular control over the exercise of patronage, or possibly to its total abolition. Let government weigh that well. If the abolition of patronage were soon demanded by the people of Scotland, or the constitution of a popular control upon its exercise, they would in vain plead that patronage, as property, was sacred. If this bill passed into law, they would find their answer, and one without reply. (Hear, hear.) But upon whom were they conferring the rights of patrons? They were giving them to the church. (Hear, hear.) They were giving them to a priesthood. (Loud cries of—Hear.) They were giving them to that body of men which at this time of day, in this year of 1843, he should have considered as the very worst depositories of them. (Hear.) It was truly said by Milton, that 'new presbyter is but old priest writ large.' What he meant by that was this, that, no matter what might be the constitution of a priesthood,—no matter what might be the form of the hierarchy,—no matter what particular scheme of jurisdiction or distribution of power the constitution of a priesthood involved,—still the priests were priests, presbyters were priests. (Hear, hear.) Their object would be to use that power with which it was proposed to invest them, for the purpose of influencing the civil and religious rights of their fellow-subjects. They would try to wield such power for that purpose; and therefore it was, he thought, that they should not be depositories of it. (Hear.) The government proposed a law taking away the rights of the patrons on one hand, and bestowing



them upon the church on the other. (Hear.) And was this all? With due deference to the advisers of government, he thought that they had not well observed the course of events, or read the signs of the times, or understood the feelings of the people. But he knew this well, that those who read the history of Scotland from the dawning of the Reformation down to the present time, could not but acknowledge that there had not been simply a jealousy of the power of patronage, but a rooted desire, a deep-seated wish, to possess a voice in the nomination of their own ministers. (Hear, hear.) Absurd as they might think this in England,—unable as they might be to understand why his poor countrymen longed to have this voice,—it was certainly the truth, that in the eyes of the people of Scotland there was nothing more valuable, and they would bear with many calamities rather than part with it. The Scotch church had hitherto worked well and had been popular, because, despite of the reservations of the acts of 1567 and 1592, patronage had been very little in force in Scotland, the people had always been much consulted, and had much to say in the nomination of ministers. The popular feeling in this respect was very strong; and he could tell them with respect to the Veto Act, that although he could not answer for the sentiments of Dr. Chalmers, yet, with respect to two learned persons, Lord Moncreiff and Lord Cockburn, they had supported the Veto Act, and viewed it as a compromise between patronage on the one hand, and the old and deep desire on the part of the people for its abolition upon the other. (Hear, hear, hear.) Now, let them not imagine that that feeling had died away in Scotland. Late events had given it more life and energy than it ever before possessed. In the Seceding church it would grow and increase till it absorbed the best portion of the Establishment, leaving in its place a mere skeleton of office-bearers without a people. (Hear.) They were giving all the patronage to the church, which should not have it, and which the people thought they should themselves have. What the people wanted was a popular control over the right of patronage,—that control, in short, which they had taken from the patrons and given to the priests. He could tell them, that if the church was to live even for a few years in the estimation of the people, it would be by doing under the rose that very thing which should have been done openly by the law,—namely, allowing the people to have a voice in the election of a minister; in fact, giving them non-intrusion in substance. (Hear, hear.)”

So much for what was foreseen and foretold. Short as the time is since the passing of this law, it is the fact, that after having their rights so wantonly sacrificed, the patrons have not had *in practice* secured to them the right of freely presenting. It was to secure the right of the patron chiefly to a mutilated presentation that the best part of it was sacrificed, and the patrons were made to depend for the free exercise of their right on the character, not of an *objection* but of an *objector* to their presentee, and on the opinion which certain

priests entertained, not of the qualifications of a minister to his call, but of those of a parishioner to object. If good for anything, this law ought at least to have secured the patron a *free* right to present under these hard and whimsical conditions; but no patron at this moment *dares* to intrude a minister on a congregation whom he would not suit. Practically the act is *still-born*: in the actual state of the church it could not be acted on without increasing the schism. The people who have not seceded must be consulted, and will not consent to have a minister intruded on them by either kirk or patron, although this law is passed expressly to oblige them to submit. The kirk is too weak to enforce her right, and more dissent would be her total ruin. Fear of the consequences of executing the law renders it inoperative.

Thirdly, as to the Church, what remains of it is now delivered over, bound hand and foot, to the state; and she deserves it. According to the present law, a presentee not objected to and not unqualified *must* be admitted and received in the benefice; that is to say, the civil law has declared, that in certain cases a person *must* be ordained a priest, and the temporal courts have the right to compel the proper spiritual authorities to exercise so purely spiritual an act as the imposition of hands; without which ordination, let us well recollect, no presentee can be admitted as a minister. We defy the supporters of Lord Aberdeen to show us, among all the Christian sects or denominations, one in which so monstrous a power is assumed by a civil magistrate. No French parliament, in the most sovereign exercise of its temporal authority over the hierarchy, ever dreamt of forcing a Roman Catholic bishop to ordain a priest; and no English sovereign ever claimed the prerogative of forcing a bishop of the Anglican Church, though elected by the head of the state, to ordain a priest, or to set forth *judicially* the reasons why, in his conscience and on his responsibility to his God, he chose not to confer a sacred character on a particular person\*.

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\* The following extract from Dr. Chalmers's 'Remarks on the present Position of the Church' fully shows the high importance of this point:—

"Let me give some idea to the Assembly of the extent of that degradation and helplessness, which, if we do submit to this decision of the House of Lords, have been actually and already inflicted upon us,—a degradation to which the church of England, professing the king to be their head, never would submit; and to



This degradation of the church was well felt by the leaders of the Assembly, who did not expect such treatment at the hands of a minister of whom they had been obsequious followers and willing tools; but when the dignity of the ministry of the church and the interests of Sir Robert Peel's ministry came in collision, and it was seen that one of them must be sacrificed, these reverend persons being sincerely attached to the church, but still more strongly to the Tory administration, left the spiritual ministry to the charge of its invisible head and took

which the church of Scotland, professing the Lord Jesus Christ to be their Head, never can. You know that by the practice of our church, the induction and the ordination go together. We regard both as spiritual acts; but by the practice of the church of England, the two are separated in point of time from each other, and as they look only upon the ordination as spiritual, this lays them open to such civil mandates and civil interdicts as we have never been accustomed to receive in the questions which arise on the subject of induction into parishes. But ask any English ecclesiastic, whether the bishop would receive an order from any civil court whatever on the matter of ordination; and the instant the universal reply is, that he would not. In other words, we should be degraded far beneath the level of the sister church, if we remain in connection with the state and submit to this new ordinance; or if you will, to this new interpretation of their old ordinances. I hold in my hands a book entitled 'A History of the Romish and English Hierarchies,' by James Abbott, A.B., of Queen's College, Cambridge. He was refused ordination by the bishop of Norwich, and afterwards by the archbishop of Canterbury, to whom he carried his case by appeal. Upon this he addressed a letter to the king as head of the church, dated Bracondale House, Norwich, November 27th, 1830. Of this letter, in which he details the circumstances of his case, the following is the concluding paragraph:—'I, therefore, earnestly invoke Your Majesty, as head of the church and father of your people, graciously to consider my prayer, to remove this hindrance to my obtaining episcopal ordination; in order that Your Majesty's royal prerogative may secure to me the privileges and rights of a deacon and of a British graduate.' The following is Lord Melbourne's reply, written by his secretary:—

'Whitehall, 29th December, 1830.

'Sir,—I am directed by Lord Melbourne to acknowledge the receipt of your letter of the 27th instant, and to inform you that his lordship cannot advise the king to give any command for controlling the judgement of a bishop on the subject of ordination to holy orders.

'I am, Sir, your obedient humble servant,

'S. M. PHILLIPS.'

'James Abbott, Esq., Bracondale House, Norwich.'

"To what position then are we brought if we give in to the opposite motion, and proceed in consequence to the ordination of Mr. Young? To such a position as the bishops of England, with all the Erastianism which has been charged, and to a great degree I think falsely charged, upon that Establishment, never, never would consent to occupy. Many of them would go to the prison and the death rather than submit to such an invasion on the functions of the sacred office. We read of an old imprisonment of bishops, which led to the greatest and most glorious political emancipation that ever took place in the history of England. Let us not be mistaken. Should the emancipation of our church require it, there is the same strength of high and holy determination in this our land. There are materials here too for upholding the contest between principle and power; and enough of the blood and spirit of the olden time for sustaining that holy warfare, where, as in former days, the inflictions of the one party were met with a patience and determination invincible in the sufferings of the other."—Page 116.

care of the political fate of the political ministry, happily reconciling their spiritual duties with the worldly advantages of their political party. We wish to say little of the ductility of their conscience: we are English Episcopalians and Erastians in the eyes of Scotch Presbyterians, and cannot therefore undertake to judge of the nice principles by which a Scotch presbyterian minister, who acknowledges  
 + no head of his church on earth, may be guided in conscientiously submitting *ordinations* to the civil magistrate; but this we will venture to say, that when we see, on the one hand, hundreds of ministers secede from a church which they believe enslaved, we cannot help feeling the utmost respect for their Christian independence; whilst, on the other hand, when we see a number of priests declaiming against a law which invades their most sacred rights, yet submitting to it,—this submission coinciding with the support of their political party and the securing to themselves the possession of temporalities which their brethren have nobly sacrificed,—we regret that the purity and honesty of their conduct is open to suspicion. They may be pure and honest, but unfortunately appearances are strongly against them.

Lastly, as to the House of Lords. The House in its *judicial* capacity laid down what was the law of the church. This supreme judicial authority having thus settled the point, it was eminently the duty of the executive power to receive that high decision with submission and to see it respected. Our  
 X *Conservatives*! however, wanted to pass their bill, and as they could not conveniently pass it without either making a new law, which they could not do without the consent of the church obtained in a legal manner, or declaring the law  
 + to be different from what the House of Lords had *judicially* decided it to be, they thought it better to throw this House overboard, and absolutely called their act "An Act to remove Doubts respecting the Admission of Ministers:" in the preamble they stated that "it is expedient to remove any doubt  
 "which may exist as to the power and jurisdiction of the  
 "church as by law established in Scotland in the matter of  
 "collation," in spite of the judicial decision of the Lords, which, if supported and respected as it ought to be, left no



doubt whatever to be removed in the law which they had expounded. And in order to show proper respect for the learning of the individual peers who stated what the law was, as well as becoming veneration for their judicial character, the government privately asked certain learned Scotch judges and law officers of the crown what the law of Scotland was, in their opinion, on the subject, and these learned persons having privately answered these private queries in a manner satisfactory to the private ends of the authors of the bill, although contradictory to the House of Lords, the opinions thus expressed were considered of more authority than the public judgements delivered by such men as Lords Cottenham and Brougham, supported by Lords Campbell, Denman and Langdale, the Lord Chancellor Lyndhurst not differing; and the Secretary of State for the Home Department proclaimed the law of the House of Lords bad, and that of his secret, unknown and irresponsible advisers, such as the bill was to declare, good. These advisers, however, being rather puzzled to discover where their good law was to be found, the government now "turned their back on themselves," at least to a certain extent, and stated their bill to be partly declaratory and partly enacting. When called upon to point out which were enacting and which were declaratory parts, their really learned English Solicitor-general was driven to say that the practice was, for "the word 'declare' frequently to mean 'declare' when they ought to enact, and 'enact' when they ought to declare,"—a practice of which Lord John Russell observed, that the less it was followed the better. But then for the "enacting" parts at all events, whether so called or called only declaratory, the church ought to have been consulted, and her consent to the *alteration* of the law constitutionally obtained. Private letters implying vague approbation, general consent to indefinite measures—ay, to measures not yet brought forward—will not suffice. Mr. Fox Maule stated that,—

"So little did the presbyteries of Scotland know of this bill, that not a single presbytery had considered the grounds on which it was founded . . . and he (Mr. F. Maule) would venture to say, if they were to ask Dr. M'Farlane, or other high authorities among the moderate party, whether there had ever been an instance of the legislature having interfered with

X the discipline and independent spiritual government of the church without first submitting the measure to the Assembly, they would answer, there never was an instance of the kind in the history of Scotland."

So that the law *declared* is bad, and the law *enacted* is unconstitutional and against the rights of that very church which it means to support.

No exposure of this juggle of *enacting* and *declaring* could be more clear and masterly than that by Mr. Rutherford, in the admirable speech from which we have before extracted, and which well deserved the praises bestowed on it by the Solicitor-general, who vainly attempted to answer it, and by Lord John Russell. We recommend the following passage to the particular attention of our readers:—

"With respect to the provisions of this measure, there was one point upon which he was sorry the Right Hon. Baronet had not given a fuller explanation than he had done. He wished he had informed him whether the measure was to be considered as entirely declaratory or entirely enactive,—or, if not, what part of it was declaratory, and what part enactive; because great difficulties might result in consequence of the way in which this question was treated in that respect. With respect to the Veto Act, the view taken by the church of Scotland was, that it might be a sufficient reason to refuse to settle a minister in a parish that was not acceptable to the parishioners; and the church passed a law of the church, with consent of a great majority of the presbyteries throughout the country, that, upon any objection being made, they should take care to ascertain that such objections did not arise out of personal or factious motives. The Veto Act merely gave the power to do generally what could be done individually in every case, and it was passed in the usual way, with the general concurrence of the presbyteries. Such were the means by which the General Assembly sought to establish the principle which it had always held, that no presentee should be thrust upon a congregation to whom he was not acceptable. Then came the other side of the question, which might be understood from the preamble of the bill now before the House, in which were quoted several acts of parliament; namely, the Scottish Act of 1567, by which 'it is statute and ordained, that the examination and admission of ministers within this realm be only in the power of the kirk, now openlie and publicly professed within the samin, the presentation of laick patronage alwaies reserved to the just and auncient patrones;' and the Act of 1592, by which it was ordained 'that all presentations to benefices be direct to the particular presbyteries in all time cuming, with full power to give collation thereupon, and to put ordour to all maters and causes ecclesiastical within their boundes, according to the discipline of the kirk; providing the foresaids presbyteries be bound and astricted to receive and admitt whatsumever qualified minister presented be His Majesty



or laick patrones ; ' the 10th of Anne and the 5th of George I., by which it was also declared and enacted, ' that nothing herein contained shall prejudice or diminish the rights of the church, as the same now stands by law established, as to the trying of the qualities of any person presented to any church or benefice.' In the Auchterarder case, the question as to the validity of the Veto Act came on for decision before the Court of Session, and again by appeal before the House of Lords, when the speeches of the judges, Lord Brougham and Lord Cottenham, were strongly against it; it being held by them that the presbyteries could not refuse to receive a qualified presentee under any pretence, because the statutes bound them to receive him. They had orders to admit a qualified presentee, and a qualified presentee meant a person who was sufficient in literature, blameless in life, and of unquestionable morals. (Hear, hear.) Such was the judgement delivered in the Auchterarder case. What did this bill propose to do? It proceeded upon statements of previous acts, and went on to say, that ' whereas it is expedient to remove any doubt which may exist as to the powers and jurisdictions of the church as by law established in Scotland, in the matter of collation, and as to the right of the church to decide that no person be settled in any parish or benefice having cure, against whom or whose settlement in such parish or benefice there exist any just cause of exception.' Now it was to remove doubts with respect to the right of the ' church to decide that no person be settled against whom or whose settlement there exist any just cause of exception.' Then what did the bill declare? It declared that ' if one or more parishioners, being members of the congregation, have any objection to the individual so presented, in respect to his ministerial gifts and qualities, either in general or with reference to that particular parish, or any reason to state against his settlement in that parish, and which objections, or reasons, do not infer matter of charge against the presentee, to be prosecuted and followed out according to the forms and discipline of the church, the presbytery are ready, either then or at their next meeting, to receive the same in writing, or to write down the same in their minutes, in the form and manner which such parishioners may desire.' This was to be the form of procedure in taking a presentee upon his trials. Were the objections confined to the subject within which Lord Brougham and Lord Cottenham said they must be confined? (Hear.) Were the qualifications of the presentee, in the rigid sense in which they interpreted them, alone to be tried? (Hear.) No, not at all. The power of the presbytery to judge extended to any objections to ' the individual so presented in respect to his ministerial gifts and qualities.' Did that mean merely his life, literature and morals? (Hear.) Could this be called a declaratory measure, or was it an enactive one? Let the House look into this. What were the ' ministerial gifts and qualities ' of a man? Why, within that category might come the objection that he had not a good voice, or that he did not preach with sufficient effect or earnestness. His ' ministerial gifts and qualities ' comprised these particulars, and the presbytery was to receive objection to them. This was beyond their powers, according to the judgements of Lord Brougham and

Lord Cottenham; but the bill before the House gave the presbytery still more extensive jurisdiction, for it placed within their powers to judge of 'any reason against his settlement in that parish.' This first part of the act referred to presbyteries receiving objections at a particular time—the time of collation; and it might be said that the various objections to be received would be more fully explained at the time that the presentee was to be settled. How did the bill stand? It went on to provide that the 'presbytery, or other judicature of the church, to whom the said objections or reasons shall be stated or referred as aforesaid, shall, in cognosing and determining on them judicially, have regard only to such objections and reasons, so stated, as are personal to the presentee in regard to his ministerial gifts and qualities, either in general, or with respect to that particular parish.' (Hear, hear.) But it did not stop here. It went on, 'but shall be entitled to have regard to the whole circumstances and condition of the parish, to the spiritual welfare and edification of the people, and to the character and number of the persons by whom the said objections or reasons shall be preferred.' (Hear, hear.) This was a very important part of the bill, as respected the power to be given to presbyteries. Yet what said Lord Cottenham and the House of Lords upon this subject?

X Why, that if the presentee be qualified,—if he be able to pass his examination in life, literature and morals, that the presbytery should go no further. But what said the bill? Why it, on the other hand, gave, or proposed to give, to the presbytery power to take into consideration objections generally, as to ministerial gifts and qualifications in the first place, and then to consider these objections with reference to the 'particular circumstances and condition of the parish, to the spiritual welfare and edification of the people, and to the character and number of the persons by whom the objections are preferred.' Now, was all this declaratory, or was it not? It could not be declaratory, if the judgements of Lord Cottenham and Lord Brougham were correct; and he believed that he was speaking within the book when he said that the Right Honourable Gentleman knew that such was the opinion of Lord Cottenham himself. (Hear, hear.) The bill, then, was enactive and not declaratory. (Hear, hear.) Where did they find the law which was declared in this bill? (Hear, hear.) In what statutes, or where was the record of usage and practice which, if there were no such statutes, was to come in their place, and make common law? (Hear, hear.) Unless, then, Parliament was to declare law against the judgement of the House of Lords, disallowing that judgement, and inflicting a deep wound on the judicial tribunals of the country, the bill was enactive and could not be declaratory of the law. Well, if it was enactive,—if they were now introducing, under the colour of a declaratory law, that which was really a new law, which was only to be brought forward by positive enacting words, he would beg to draw their attention, in the first place, to the position in which they stood. If it was an enactive measure, they were bound to have had regular communication with the church upon the subject. (Hear, hear.) The constitution of the church of Scotland was as sacred as any constitution could be, where one country amalgamated its



legislative powers with another. (Hear, hear.) Previous to the Act of Union, there was passed an act called the Act of Security, by which it was provided that the church of Scotland, as then established, should remain for ever. That Act of Security was made a part of, and embodied in, the Act of Union. The people then did all that lay in their power to prevent future legislatures from encroaching upon the constitution of the church. Now, however, they were about to enact—they were going to alter, because, by enacting, they must alter, that constitution. Why, the right honourable Baronet opposite had talked of the consent of the Crown to the measure. Why was that consent given, if the measure was declaratory only? It was because it was enactive that the consent was required. They were, therefore, going to alter the constitution of the church, and that with respect to the internal regulations of its own jurisdiction. (Hear.) They were going into the essence of its constitution, giving to it some new powers and limiting other old ones; they were enacting, and by enacting they were changing. Now, let them not run away with the notion that the people of Scotland were blind to the difference between a declaratory and an enacting law. They were now changing the constitution of the church,—a constitution sacred by the Act of Security,—without having officially communicated with the church. (Hear, hear.)

Such is the origin, progress and present state of the controversy which has agitated the church of Scotland for the last ten years, and such is the origin, progress and final enactment of the law which has been held out by the government, even in the Queen's speech at closing the session, as likely to restore religious peace in Scotland. It is not by refusing to the people what they claim as their right, by turning priests into inquisitors, by insulting the highest court of law, by invading the rights solemnly secured to the church, that religious peace can be restored. No seceder will thus be recalled to the Establishment; but the torch of persecution is lighted, and this law is more likely to fan than to extinguish the flame. The church of Scotland being now considered to be composed only of those who have submitted to this law, all others are seceders, and will not be entitled to the same privileges and civil rights as their fellow-citizens. Whilst whole parishes have followed their ministers and left the fold, the empty church and manse and stipend are conferred by the patron on an *established* shepherd without a flock, as if Ireland gave no warning to avoid an evil of such magnitude, the primary and everlasting cause of the miseries of that country. Seceders—martyrs to their religious conviction—are reduced to worship God in the open air, wherever a misguided many-acred landlord refuses them a few yards

of barren rock on which to build a poor hut wherein they may meet in peace: scarcely one family exists without some of its members having seceded from, whilst the others are still connected with what remains of the Established church: added to this the voluntary system is carried to the utmost extent. These and many others are the evils of Scotland left untouched by the Administration, as if blind to the fatal consequences that must necessarily flow from them to the empire at large. But Lord Aberdeen has carried his bill:—what matters all the rest?

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#### ARTICLE VI.

1. *Parliamentary Papers:—Sinde.* 1838—1843.
2. *Personal Observations on Sindh, the Manners and Customs of its Inhabitants, and its Productive Capabilities: with a Narrative of the Recent Events.* By CAPTAIN POSTANS. London: Longman, Browne and Co. 1843.

It was on the 1st of December, 1830, that Lieut. Conolly, then on his journey overland from England to India, endeavoured to soothe the apprehensions of the Belooch governor of Quetta, who expected that the English would take possession of that country within a short time, and quoted a current tradition regarding a tree near Candahar, to which the empire of the Feringhees should extend. The Englishman could only reply, that if the Belooch supposed the Indian government to have the rapacity, he must also grant it the good sense of the wolf, who would not leave a sheep to feed on a porcupine. Every sober-minded man was at that time of the same opinion: an advance beyond the Indus was thought to be under any circumstances impossible, because none could then be conceived which would make such distant operations advisable. Yet within a short time the apprehensions of the Belooch were realized; in thirteen years from the date of the conversation we have alluded to, English armies had occupied and evacuated Candahar and Caubool, and were in permanent possession of Sind.

Of the former we had always at best but an insecure hold;



the latter we have grasped with a force which it has no power to resist. Making war on the former from India was as if we had made war on Poland from England. Shot and shell, and every necessary article which could not be procured on the spot, was carried on camels along a line of communication many hundred miles in length, and exposed to all the insecurity arising from an unruly and predatory population. The southern part of Sind, on the contrary, lies within four days' steaming of the arsenal of Bombay; it has a navigable river through its whole length, and its northern limit is the point where the difficulties of our road to Candahar begun; the snows of Caubool give place to an Indian climate, and the capacities of the country, whether for agriculture or for commerce, are difficult of calculation, only because it is difficult to fix a limit beyond which they may not eventually pass.

These are good reasons for thinking that our late conquest does not, like that of Affghanistan, bear within itself the seeds of its own destruction. We are able, as far as regards mere military power, to establish ourselves firmly in Sind and to make it a new basis for further conquests. At what expense of blood its complete subjugation must be effected remains to be ascertained; but if attempted, it will be effected. Our occupation of Sind, therefore, has been attended by none of the forebodings and warnings on the part of its opponents which marked the preceding operations; but a strong feeling has arisen that it was an act of injustice, that there were no sufficient grounds for making war on the Ameers, and we believe we are not overstating the case in saying that the injustice was supposed wholly to attach to the present Governor-general. The opinion, it is true, has been formed without any data; perhaps we might rather say, in consequence of the want of data, for the absence of any official notification precluded the means of judging, and it was thought, because no just cause of war was given, that none could be found. The suddenness with which hostilities broke out gave added force to the inference; but this seems, in fact, to have been the cause that no notification was published, rather than a confirmation of the charge of injustice. These inferences from apparent omissions are no longer sufficient to form a judgement upon. The papers which have been laid before Parliament

contain the negotiations which have been carried on with Sind for the last five years, but a bare detail of their contents will scarcely suffice to put the reader in possession of the merits of the case. Some knowledge of the former history of the country is necessary, for claims which originated upwards of a century ago became the subjects of negotiation. Some acquaintance with its rulers and population is requisite, or we shall hardly be able to estimate properly either the position of the two negotiating parties, or the prospects of the possession to which we have succeeded. Sind, indeed, is in many respects an interesting country; it has been the highway of the nations which have successively invaded India from the north-west, and it derives from one of them the present agricultural and pastoral population. Each period of its history has contributed towards producing the present state of society. The result of each may be traced in the prejudices, the form of government, or the mixture of races which now exist. From one period Sind received its general population, from another the peculiar form of bigotry which is prevalent, from another the dominant classes, from another the late rulers. Its connexion with and separation from India, and its dependence on Persia and Afghanistan, have also had great influence on its destiny.

Little is known of the history of Sind in the earliest times, except what is derived from the historians of Alexander; but we may look forward to the time when this obscurity will be in part removed, as its western boundaries contain remains which will well repay the antiquarian who is fortunate enough to explore them. The footsteps of Alexander still remain to be traced with distinctness. Every traveller has added his mite of information, but each has in general only succeeded in making darkness still more profound. Out of the multitude of conjectures that have been made, we will briefly indicate those which rest on safe foundations.

South of the junction of the rivers Alexander encountered the Sogdi. Their capital is unknown. He proceeded to the territories of Musicanus, to which the Greeks gave the name of Prasiane, and which is evidently the fertile district of Chandkoh. From the territories of Musicanus he proceeded to attack two chiefs in the western mountains, named Sam-



bus and Oxycanus, after conquering whom he returned and built, in a commanding position on the bank of the river, a fort, which may probably be that still in existence at Sehwan. Alexander then moved down the river to Pattala at the head of the Delta, and from that place made two expeditions to the sea, one down the most western branch, the other down the most eastern. The latter seems to answer the description of what now is the great Koree mouth, and if that be admitted, the conjectures which have placed Pattala where Tatta now stands must be incorrect. Karachee, or some place very near it, is probably the ancient Krokala. There are many other conjectures, but we shall hold them in suspense until they are cleared up by the labours of some future commentator. The facilities which he will enjoy in pursuing his researches under our rule, and for acquiring an intimate knowledge of localities, will, if joined to a close study of the historians of Alexander, enable him to solve most of the doubts which now exist, and perhaps to furnish us with some data for judging of a question of much interest—the advance of the Delta of the Indus in the last two thousand years. One guide in his inquiries, the similarity of modern and ancient names, we may expect to be almost wholly wanting. Alexander's invasion was made in the palmy days of Hindooism. The Sanscrit language was then the only source from which names of places could be taken; and where we have Greek accounts of other parts of India, a likeness can often be detected between their names and those of the present day. Not so in the country on the Indus. In 126 B.C. the Yue-chi, the Getæ or Getes of the Greeks and Romans, the Jutts of India, who had been driven from their ancient abodes in the plains bordering on China by their old enemies the Hiong-hu, took Khorasan; while the Su, another horde which was pushed onward by the irruption of the Yue-chi, conquered the Greek kingdom of Bactria. The readers of Gibbon will recollect the suddenness with which the blow fell on Bactria.

In the first years of the Christian era, the Yue-chi descended from Khorasan into India. They occupied the whole of the plain country, which is now comprised in Sind, the Punjab and Rajpootana. They probably brought with them, from their settlements in Khorasan, the Buddhist faith: they may

perhaps even have received it in their old seats in Mongolia, where the rocks still bear Sanscrit inscriptions of the maxims of that religion. They must have settled in India under auspices far different from those of any subsequent invaders. Buddhism had issued forth from the country between Nepaul and Oude about 400 B.C. It was a heresy from the religion of the Brahmins, but its origin was essentially Hindoo, and the Hindoos of the present day still look on the Buddhists as their brethren. The invaders must thus have had facilities for mixing with the Hindoo population which neither Mussulman nor English conquerors have enjoyed, but it does not seem to have made their first conquest the less complete. They must have ejected from the countries which they conquered the whole of the original inhabitants, if we can judge of their conquest by a comparison with the results of subsequent invasions. The Mahomedan rule in India, though it lasted longer, never transformed a whole people of Hindoos into Mahomedans; it never effaced every mark of the Hindoo system from every grade of society. Most of the upper classes, many of the lower, a considerable numerical strength in cities, a smaller in the country, were all that the Mussulman rule secured to itself. But the Jutts are, wherever they became masters, the basis of the population, the cultivators of the soil and the herdsmen. They still retain one art, which they must have brought with them from Tartary, the management of the camel. In the Jutt countries, whenever feeding or attending camels is in question, the Jutt is the only person to be employed. In the same way the Mahomedans, who must have introduced the camel into the south of India at no very remote date, are the sole tenders of camels there. While the Jutts retain this trait of their Tartar descent, and have become the chief occupiers of the countries which they subdued, they have contracted a strong likeness to the Hindoo race. Their neighbours on the west call them Hindoos, though they are now Mussulmans; even English travellers always remark their want of energy, their calm and placid countenances, their apathy, and describe them as the only Mahomedans whose character closely resembles the Hindoo. Their own traditions point to a mixture of the two races; but as yet inquiry has not been sufficiently directed



to this point to enable us to clear up the difficulty. The traditional descent of the Sumris of Sas is an instance. They lay claim to a direct descent from Samar, founder of Samarcand, who, they say, had another son, from whom the Jesulmeer Rajpoots are descended. The Jokeeas too, who are evidently of Jutt origin\*, claim consanguinity with the Jhareja Rajpoots of Cutch. Perhaps the Jutts seized on the families of the Hindoos who inhabited the conquered countries; but the Rajpoots were less likely to be taken alive than any other caste, and it is to the Rajpoots that relationship is claimed. Perhaps, after centuries of occupation, the Buddhist faith yielded to the attacks of the Brahmin priesthood, whom it had expelled. We know that the Jutts were Buddhists, that they entered India early in the Christian era, that they must have been the builders of those topes which have lately yielded so many coins and excited so much interest. We know also, from the account given by a Chinese traveller, who passed through those countries on a religious tour early in the fifth century, that Buddhism was prosperous in the tract between Kokhan and India, but had greatly declined in the Punjab. Three centuries later we find, that on the death of the Rajah a Brahmin usurped the throne. The meaning of this probably is, that the singular perseverance which belongs to the Brahmins as a class had at length been crowned with success, and that the orthodox faith had obtained the reins of government. We may attribute the relationship claimed by the Jutts with the Rajpoots to have originated in the convert from the religion of Buddha finding a place in the Hindoo military class. But Hindooism achieved only a short-lived triumph; the son of the usurping Brahmin was the last independent ruler of Sind. The change of dynasty or of religion was still recent, and the state had yet scarcely recovered from the weakness this had caused, when the Arab invasion fell on it like a thunderbolt.

The cause of the war was peculiarly Mahomedan. An Arab

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\* There is another relationship which has never been claimed for the Jutts; they are probably the progenitors of the gypsies of Europe. The language of the Jutts nearly resembles the oriental part of the gypsey language. Jutts are actually found as gypsies as far as Persia, and there is a resemblance in the name of the two races, which might support a conjecture that the name of Jutt or Jet was the real original of the Egypt from which gypsies were said to have come.

bark, freighted with female slaves for the Khalif, was wind-bound at Dewul, the present Karachee or Sommianee. A quarrel took place, and the natives of the place plundered the cargo. The Khalif condescended to call on the Sind Rajah for redress. He professed his inability to afford it, as the offending town was not subject to him. The pretext for war thus supplied was sufficient. The Khalif had to avenge the destruction of several detached parties which had before attempted to invade Sind, and had been cut off on reaching it. An expedition was prepared at last, but it was weak in numbers, for it is said to have mustered only 6000 men. Catapults were sent by sea. The army marched from Shiraz across the inhospitable wastes of the ancient Gedrosia. The leader, Mahomed Casim, a youth of twenty, attacked Dewul without delay. A sacred flag, erected on the tower of the temple, was supposed to guard over the security of the place. The Arab leader turned his engines against this talisman, and the garrison, panic-struck by its fall, soon after yielded. From Dewul to Sehwan the progress of the Arabs was only a succession of victories. At Sehwan they were joined by reinforcements and advanced on the capital, Alor, the ruins of which stand a few miles from Bukkur. The description of the battle which ensued throws light on the pomp and circumstance of Indian war eleven centuries ago. The Rajah came forth to meet the invaders, seated on his state elephant, under a magnificent canopy and accompanied by two beautiful girls, whose office it was to supply the indispensable betel; a hundred other elephants and a thousand horsemen in polished steel cuirasses surrounded him. After a long struggle a fire-ball struck his elephant, which took to flight, and the Rajah was mortally wounded. The day ended with the utter defeat of the Hindoos, but the victory was not complete until the Rajah was taken. After a long search he was discovered; his attendants had buried him on the bank of the river, to save his corpse from the indignities which were heaped on it. The power of the Hindoos was broken; the last of their Rajahs slain. Isolated cities still made resistance; but it is evident that the state had no consistency, and that the Hindoo religion had not that firm hold on the people which has been so



conspicuous elsewhere. In the cities that resisted, the fighting-men were put to death and their families sold as slaves. Many of the conquered embraced the religion of the Koran; the remainder were admitted to pay tribute and allowed the exercise of their religion.

Several Hindoo princes are said to have joined Mahomed Casim, but the Mussulman historian never so far forgets himself as to narrate the religious tenets of the infidels, and we are therefore unable to conjecture their motives for so doing. The kingdom of Sind was at length subdued. The Arab leader, with a discretion beyond his years, retained the late Rajah's prime minister in the same office, and occupied himself in organizing the means of future victories. But his career was drawing to a close. He had sent the daughters of the Rajah to the harem of the commander of the faithful, and on their first meeting with the Khalif they succeeded, by a refinement of intrigue worthy of a modern Mahratta, in procuring the destruction of their father's conqueror. The Khalif's despatch arrested the victorious general as he was preparing for fresh conquests. He was ordered to be sewn up in a raw hide and transmitted to Damascus. He died on the third day, but his body was carried to the Khalif; and as a fitting end to this singular transaction, the Hindoo princesses exultingly proclaimed the success of their stratagem, and were put to a cruel death, while a magnificent mosque was erected at Damascus over the remains of the conqueror of Sind. This treatment of their leader did not add to the zeal of his followers. From that day the Mussulman power remained stationary in Sind until the fall of the Omniade dynasty. The dissensions of the Mahomedans then encouraged the still discontented Hindoos and, by a revolution which took place in Lower Sind, the Sumera Rajpoots gained the supreme power, which they retained for five hundred years. Upper and Lower Sind were now separated. The latter was difficult of access from the numerous channels which intersect it; its inhabitants had a retreat to fly to in the deserts on either side, from which they could again issue when an invader had quitted their country, and it led to no further acquisitions; it was therefore in the centuries which followed, though sometimes tributary, yet left in some

degree unmolested. But the fate of Upper Sind was different. Every successive dynasty and conqueror, Abasside, Ghaznevi, Ghorî, Slave-king or Tartar, either made the plains of Upper Sind his own, or marched through them to more distant conquests. The Abasside Khalif was forced to relinquish it, and withdrew his officers in consequence of the advancing conquests of Mahmood of Ghizni. Mahmood overran it and punished its inhabitants for harassing his march on his return from Somnath. Shahab-ood-deen Ghorî marched his army to the sea-coast of Lower Sind. The gallant Jelal-ood-deen, almost the only eastern hero whose story carries with it throughout the interest of romance, saw his army annihilated by Jenghis Khan in Upper Sind, swam the Indus with seven followers, and in a short time had collected another army and conquered the whole of Sind. He soon left it, in hopes of recovering Persia; its former possessor again took possession of Upper Sind, and was shortly after conquered by the slave-emperor Altamsh. It was about this time, the beginning of the thirteenth century, that another tribe of Rajpoots, that of Sumah, obtained supreme power in Lower Sind, and their chief took the title of Jam. Their independence of the court of Delhi must have been complete, for the first of their chiefs who acknowledged the supremacy of the emperors was dethroned by his subjects. His successor however was compelled to submit, and from A.D. 1366 to 1546, twelve generations of Jams paid tribute and received investiture from Delhi. Then took place one of those shiftings of the abode of nations, which so often mark the end of Asiatic dynasties.

X Baber had been driven from his native kingdom on the Jaxartes by the irruption of the Usbeks. He retreated and at length settled at Caubool, driving out from Candahar the then possessor, Shah Beg Urghoon. The latter, with all his followers, fell on Sind, and at first continued the then Jam in the government of Lower Sind, but eventually drove him out and appointed in his place one of his own generals, Toorkhan. The death of Urghoon in 1521 was followed by civil wars, during which occurred the first employment of European auxiliary troops in India, the Portuguese having assisted one of the contending parties. The wars soon ended;



Toorkhan established himself as an independent prince, and it was not till the reign of the fourth of his family that Akbar, whose birth-place was Omercote,—the fort recently taken possession of by the British troops,—permanently reduced Sind to the condition of a province. From that time till the present century no ruler of Sind has declared himself independent. The government continued at first in the family of Toorkhan, and was subsequently carried on by officers specially appointed from Delhi till 1736.

The number of nations which have been masters or occupants of this country form a remarkable feature in its history; still more extraordinary perhaps is the little trace they have generally left behind them. Hindoo, Greek, Jutt, Arab, Mogul and Tartar, have all possessed it; but the Jutt alone remains, unless the present mercantile Hindoos are to be considered as representatives of its ancient Hindoo masters. Another race, the Belooch, one destined to exercise a more permanent influence, began to appear in the fourteenth century. About the middle of the fifteenth century a pious fakeer, departing on a pilgrimage to Mecca, made over his spiritual charge to Adam Shah, a Belooch of the Calora tribe, in whose family it remained. Six generations of his descendants had passed away, when the pious community which they governed was found to have increased in number beyond its means of subsistence. The holy men therefore forcibly took possession of some lands in their neighbourhood. The owners, too weak to recover their property, obtained aid from the Mogul government, by means of which the whole of the offenders were expelled and their leader put to death. Some years after, at the beginning of the last century, his successor obtained a pardon, and returned from his place of refuge at Kelat. His family gradually regained power. His son went to Delhi and prevailed to have a district granted him by the emperor. Another successor obtained an additional grant, and at length, in 1736, the chief of the Calora family, the representative of a long line of pious fakeers, became governor of Lower Sind and handed down that dignity to his family. They retained power until the accession of the Talpoors, the rulers who have now been dispossessed by ourselves. But though the Calora rulers did not govern Sind for more than half a century, they have left

a very lasting influence on the mind of the people. The first Calora chief could boast of nearly three centuries of holy ancestors who had been leaders of the faith; the pious frauds and hereditary intolerance which had accumulated during so many years were all centred in himself. He had become governor of a country inhabited by an unruly population, and he could not afford to dispense with the *prestige* of religious authority, and to depend on civil power alone. The Belooches, in their original seats in the mountains and rugged plains of Beloochistan, are prone to superstitious bigotry. A prayer muttered by a descendant of the Prophet, a charm written by his hand, even the drops of water that fall down his beard when he drinks, according to the exigencies and faith of the applicant, are valued as safeguards from danger, or means of procuring some desired object. The colonists that had become naturalized in Sind were not less credulous; the Calora ruler did not fail to make every available use of this powerful engine of government, and the effects of his policy still remain. A large number of the free grants of land is possessed by Syuds (descendants of Mahomet), by whom, as well as by other religious characters, the country is overrun. The only buildings of any consequence are mosques, and the pack of indolent fakeers who do no work, and compel the poor labourer to give them a portion of his own food, is remarked by every traveller as the bane of the country. To the Calora and earlier Talpoor rulers, too, it is owing that the population of Sind is chiefly Mahomedan.

In the latter part of the seventeenth century, Captain Hamilton, who travelled through the country, stated the Hindoos to be ten times as numerous in Sind as the Mahomedans. Since then, conversion has gone on rapidly. The Jutts are now nearly all Mussulmans. The Hindoo has fled the land, or has been converted by force. Those who now remain form chiefly the mercantile community and the farmers of revenue. As a labouring class they are extinct. The means by which this end has been obtained were innumerable. Any Hindoo who was declared by two of the faithful to have said that Mahomet is a prophet, or who had misbehaved in any way, or could be accused of having done so, was liable to be made a Mahomedan at once. One whose evil fate led



him, when travelling, into the company of a party of Belooches, was likely to find himself a Mussulman before his journey was ended. Religious enthusiasm was not always the motive. It required but a moment of over-facetiousness, to excite them to the execution of a practical joke, and he had become a follower of Mahomet.

This spirit of conversion lasted in full force till the day when the late Ameers gave themselves up prisoners at Meeanee; but it was not the only permanent result which the rule of the Caloras was destined to produce in Sindh. The earlier years of the first Calora were marked by occurrences which have had a lasting influence upon its external relations. In 1740, Nadir, after invading India and overcoming the feeble emperor of Delhi, returned by the route of Sindh. The Calora governor endeavoured to escape, but was brought to Nadir's presence at Tatta and made his peace by the value of his offerings. Fifty years before that time, Tatta, which now contains only eight or ten thousand inhabitants, could boast of 80,000 weavers and a vast and prosperous commerce. The Calora entertained Nadir and his army of half a million souls for sixteen days. He had come to confirm his rule over his tributary. By the treaty with the Mogul emperor, Sindh had become subject to Persia; Nadir imposed on it a yearly tribute of twenty lacs of rupees, and took with him as hostages two sons of the governor. Nadir died, and the bond which held his army and his empire together was broken. His Affghan general, Ahmed Shah Abdallee, the grandfather of our late ally Shah Shoojah, marched with his own division of the army to his native land and declared himself master of all Nadir's eastern dominions: Sindh was included in these, and an opportunity of exercising his supremacy soon occurred. From his first invasion of Delhi, Ahmed Shah returned, like Nadir, by the route of Sindh, and confirmed the second of the Caloras in the government of his father. The history of the succeeding years is one of those periods of uninteresting turmoil, of the successive setting up of chiefs and their deposal in favour of others, which we so often labour through in the histories of the East; but its events are of some importance, both as they lead us to the rise of the last rulers, and as they show the real nature and efficacy of that depend-

ence on the Affghan monarch which became so prominent a point in the negotiations recorded in the Parliamentary papers.

The idea of dependence, as it is held by Mahomedan states, is very different from the corresponding term in Europe. Here we suppose some responsibility to attach to the paramount state; some interest or pretence of interest in the well- or ill-being of its dependency. The Mussulman idea is wholly based on the intense egotism which that religion fosters in the government of a state. The ruler, if he has the power, has also the will, to reduce to subjection every state within his reach. He can bear, not only no rival, but no semblance of an equal; his principles are somewhat like Buonaparte's practice; his only language to his weaker neighbours is, "Pay tribute, or your kingdom shall be given to another;" and on their consenting to pay tribute, all his interest in them ceases till the death of the subordinate governor causes the investiture of his successor. The superior power resembles the deity of the Pantheists. It has the advantage of nourishing its own vanity by the idea that it is paramount, but it interferes for no purposes of good government. Its supremacy is purely selfish. Hence, when its power is weakened, tribute is withheld; the slight bond of cohesion by which the empire was kept together ceases to act, and the various states become separate. Such was the fate of the connexion between Sind and Affghanistan. We shall trace it, on account of its influence on more recent events.

The second of the Caloras, whom Ahmed Shah confirmed in the government, was deposed by his chiefs in 1756, and a brother named Gholam Shah was set up. An elder brother, Attar Khan, who was then with the monarch in Affghanistan, obtained his order appointing him to the government of Sind, and some assistance in troops. The chiefs, afraid to oppose the royal mandate, accepted him as their ruler, and his brother was forced to fly; but he returned within a year and defeated Attar Khan, who repaired to the court of the Affghan monarch and there preferred his complaint. The king again gave him an army, to aid in recovering his rights. On his arrival in Sind, the chiefs, desirous of avoiding bloodshed, held a consultation, at which it was agreed, with the consent of the Affghan leader, that Attar Khan, the *protégé* of



the king, should receive two-thirds of the country and his brother one-third. The arrangement was acted on, and the Affghan troops retired to their own country. A few months later, Attar Khan was attacked by his brother and forced to fly. He first took refuge in Bhawulpore, the state immediately above Sindh, on the Indus. He was there again attacked and defeated by his brother, who forced him to seek another asylum; at last, after many shifts, he threw himself on his brother's mercy and received from him good treatment and maintenance. To this renewed disobedience of his orders, the Affghan king made no show of opposition. The successful brother, Gholam Shah, died in 1771, and left the government to his son, who, by putting to death the chief of the Talpoor tribe, was the cause of dissensions which ultimately deprived his own family of the government, and substituted for it the Talpoor dynasty, the descendants of the murdered chief. His reign lasted but five years, when he was dethroned by the Belooch chiefs, who gradually gained strength during the last century. Two brothers were successively set up and dethroned, after governing for less than a year each. Civil wars took place, during which one of the reigning family succeeded in putting most of his own relations to death, and, with the aid of the Talpoor and other chiefs, established himself in the government. Within two years another of the Caloras made interest with the Affghan king, who furnished him with troops and a firman of appointment, but on arriving in Sindh he was defeated and driven back. The reigning Calora, with a bad fortune that proved fatal to his family, procured the murder of the then chief of the Talpoors (the second thus assassinated), and was detected. The Talpoors rose and expelled him, and he fled to Kelat. The Kelat chief furnished him with an army, with which he endeavoured to regain his country, but was defeated; he next went to Joudpore and procured aid from the rajah of that place, but met with as little success as before. He then repaired to the Affghan king, and the aid which he received from him was apparently effectual; he returned at the head of an army of Affghan auxiliaries and was again received by the Sindians; but the calm was only temporary: he again put to death the chief of the Talpoors, and was again, and for the last time, expelled.

From this time the Talpoors have held supreme power; they used every means to break the strength of their rivals: the partisans of the Caloras were put to death or persecuted, and the tribes which had adhered to them were weakened by continual endeavours to foment internal dissension. These exertions were successful, for we find no trace of a Calora having of late years entertained a hope of regaining power, until their name was held out by the late Governor-general of India as a stimulant to the Talpoor Ameers to yield to his demands. The Affghan king had not hitherto been roused to any serious exertions to retain his tributary on the throne which his family had so long governed. It is in reality of little consequence to the paramount state who the subordinate ruler may be. There may be peculiar cases where the usurper is personally obnoxious, or the deposed ruler a personal favourite, on which occasions the superior will interfere with the succession; circumstances also may render it politic. In the instances where we have seen aid granted, the important duty of paying tribute had been neglected, and in the divisions of parties which existed in Sind, it did not require a great display of military force to decide the contest temporarily in favour of the suppliant who made the most liberal promises. It was not, however, till after the Talpoors were firmly settled that the Affghan king Zeman Shah, at the end of the last century, advanced to the frontier of Sind. He had received no tribute for some years, and though unable to conquer the country and retain it permanently for himself, he was powerful enough seriously to injure, perhaps to dethrone, the Talpoor chiefs. They fled to the desert at his approach, and with many excuses, some arrears of tribute and abundant promises of greater punctuality in future, they succeeded in inducing him to pardon them, and, what was of still greater consequence, march back to his own country. The next payment of tribute that we can trace was some years after, in 1805, when Shah Shoojah went through the same process of advancing upon Sind with an army. He then compounded with them and took a portion in lieu of the whole arrears; in consequence of this and the growing weakness of the Affghan monarchy, the Ameers of Sind ceased thenceforth to pay any tribute.

The Talpoor chief did not succeed however to a peaceful



and easily managed government. Since the time when the Mogul settlers in Sind had been drawn off to Hindostan by the prospects of plunder and advancement which were opened to them through the successes of Baber, the Belooches had gradually supplied their place. Their native country extends from the range of mountains which form the western boundary of Sind to the mouth of the Persian Gulf and the desert that borders Persia on the south-east. This vast and inhospitable tract has been the scene of fewer historical events than any other country of nearly equal size which has been known since the time of Alexander. It is the Gedrosia where the army of Alexander suffered such hardships on its march from India. In times more modern, between the fourth and seventh centuries, dim traces are discernible of its occupation by some foreign invaders, from whom its present inhabitants are descended. They are now divided into many tribes; but though different tribes bear different characters, and the eastern and western Belooches even speak separate dialects, owing probably to the countries they dwell in having been conquered from different nations, there are some points of character which lie on the surface and cause a general resemblance among them. The virtues which they hold most in esteem are those which belong to most barbarous nations. Hospitality is habitually practised; every village in the most retired districts has its public room, which on the arrival of the stranger is converted to his use; the most ceremonious greeting awaits him on the part of the village-chief; but though there is nothing reckoned more discreditable than the breach of a promise of protection, or of the rites of hospitality, the polite host may at the same moment be engaged in plotting the destruction or robbery of the traveller as soon as he has passed out of his boundaries. The Belooch, when not excited by some immediate cause, is an indolent, swaggering, opium-eater; but he is an ardent sportsman, proud of his own sporting feats, proud even of those of his village or his tribe, of the performances of their greyhounds, of their victories over neighbouring villages at their annual cudgel-playing and shooting-matches. They boast of their military prowess on foot, and are, unlike most Mahomedans, prouder of their infantry than their cavalry, though the latter twice turned the fortune of

the day in the battles of the Affghan king with Persia. Under the rule of a chief who has been able to establish security and a good police throughout the country, the traveller is safe; but when unrestrained, the Belooch gives full sway to his passions; few moral restraints bind him, and he has a most sovereign disregard for human life; rapine and murder are not unbecoming his character, if practised with a proper selection of victims; a foray on some distant and defenceless village is the field in which he most shines, and for mere amusement he will try the edge of a new sword on the body of an unprotected Hindoo. Among themselves, however, the habits which usually accompany a half-pastoral life prevail, and with them the strong social virtues of clanship, family affection and strict honesty; stealing is held in utter contempt. The rude and retired life which the greater part of the Belooch population leads, has given them an independent bearing, and even their own chiefs are obeyed, if obeyed at all, to support the honour of the tribe. The emigrants into Sind must have found it necessary to give up some of this rude independence. A regular government, the payment of taxes, inter-marriages with the unwarlike tribe of the Jutts, and the enjoyment, in the case of the chiefs, of greater wealth than in their original seats, must have tended to alter their character; they at least acquired the idea of submission to authority, both civil and religious. But we have seen that the successors of the first Calora held the reins of government with so feeble a hand, that the Sindian Belooch chiefs obtained a great accession of power. They deposed their ruler when dissatisfied with him, and, even when nominally obedient, their power as a body compelled him to resort to intrigues to procure his ends. A succession of weak and incompetent rulers had made them familiar with a comparative independence of the authority of the government and with the readiest means of influencing it by threats or force. It was not therefore to an easy task that the first chief of the Talpoors had succeeded: he had to retain at least an apparent superiority over this rude military aristocracy, to satisfy the clamorous demands of such of his own followers and allies as thought they had claims on him, and to depress to the utmost, to persecute, and if possible destroy, the adherents of the fallen dynasty. He had also to



soothe the internal dissensions of his own tribe and of the very followers who constituted his strength, many of whom supported the claims of the son of the chief who had been murdered, to the government. These claims were, after the followers of both parties had been for some days confronted in the field, settled amicably, but the real difficulties still remained to be combated. In order to remove them, the Talpoor chief, Futteh Ali, resorted to a plan which has never been so systematically acted on in any other country, and which experience, and especially experience of Mahomedan competitors for power, would have led us, *à priori*, to consider impracticable. He associated in power with himself his three brothers and divided the country in shares, apportioning a certain share to each. Some parts of the country—the more recent acquisitions—were not portioned out separately, but collectively possessed by them; each Ameer, for instance, having a fourth part of the revenue. Provision was likewise made for inferior chiefs and followers out of the possessions of the different Ameers. The result of this partition was, that so long as the four Ameers remained united, the acts of each were only obnoxious to his own dependents, or to that portion of the unruly chiefs who were in his department; while the Ameer had the whole power of the government to back him if needful. The combination of the chiefs was thus in a great degree prevented; different interests grew up; and while each Ameer managed his own district, there was a chief Ameer who was the ostensible head of the government, who settled disputes which arose between themselves, was the medium of communication with foreign states, and, in short, performed all such duties of a central government as such a state of things admitted.

The scheme of the first of the Talpoors was successful, for the four brothers formed so intimate a union, that they were proverbially called "the four friends." But when they had passed away, and another generation of rulers sprang up, the vices of the arrangement became as palpable as its merits. Each Ameer was the centre of a petty court of his own and of a network of intrigues directed against the other Ameers. Each was continually on his guard against the treacherous attacks which the others might direct against him, and whenever the

decease of an Ameer caused a vacancy, both intrigues and force were used by candidates who thought themselves entitled to the succession. But in the midst of this apparent profound distrust and disunion, the original principle of the arrangement, however overgrown and hidden, still retained life. The vitality which is often observable in the most decrepit institutions was visible in this one. The Ameers were still true to the scheme of the first founder of their rule, and in spite of their mutual suspicions, none ever attempted to raise himself on the ruin of the rest. In time of need they were generally ready to act together and to forget their jealousies, though an exception to this occurred in the negotiations recorded in the "Papers." The cause of this conduct, so different from that which in other Mahomedan countries has established it as a rule, that the accession of a prince to the throne should be the signal for the death of his brothers, is to be found in the internal constitution of the country, though some credit must also be due to the strength of the family tie among the Belooches. Each Ameer, and every powerful subordinate chief, was interested in preventing the rise of any one man to such power as should enable him to deprive the others of their possessions and to reduce the whole of the chiefs to real subordination. The only way in which such an event could be likely to occur, was by some one Ameer obtaining foreign aid, or levying foreign mercenaries, for the Sindian Belooches, though all liable to military service, would not have engaged in such a suicidal enterprise. The Ameers, before summoning them, were in fact obliged to consider whether they would answer the call; and, except in the cases where a strong feeling prevailed among the subordinate chiefs and their followers, and where they were as much under the influence of their inferiors as influencing them, the Ameers were almost powerless for aggression. For defensive measures, in executing which the interests and feelings of the military class were concerned, we have had proof in two hardly-fought battles, that they are no despicable enemy even to disciplined troops.

The character of the Ameers themselves presented a fair sample of the habits, tastes and manners of the Sindian Belooch in easy circumstances. Their literary knowledge was generally little or nothing beyond the power of reading the



Koran and a little Persian, and the knowledge of a few passages. Each had his own religious guide, who enjoyed much consideration and influence at the court. Their government was rather remarkable for the infrequency of capital punishments, but mutilation was found to be a convenient substitute. Of their demeanour or affection towards the females of their own family we know nothing; but we cannot have a high notion of their character, when we learn that all the children they had by the female slaves of their zenanas were invariably put to death to prevent future trouble. One Ameer is stated to have had twenty-seven thus destroyed several years ago. The following extract from Captain Postans' book on Sindh gives a description of the mode in which these eastern potentates passed their day:—

"From the early dawn (at which time, in the East, the world is more alive than at any other during the day) until 'Chasht,' or what would correspond with our breakfast, was devoted to such business of the state as was transacted privately, receiving and dictating answers to petitions, reports of finance, and correspondence. The sultry portion of the day was passed in the inner apartments, at least three or four hours being consumed in sleep: at sunset, after the evening prayer, each Ameer held a public *darbar*, which, as a matter of ceremony, was attended by all the officers of state, chiefs and retainers, present at the court; this being also the opportunity for publicly paying respect to the Ameer, preferring requests, and making verbal reports on any matters, public or personal. The *darbar* generally broke up about seven or eight o'clock, when the princes again retired, or on some occasions passed the evening in listening to story-tellers, poets, or *Nautch* women. Exercise was never taken as a matter of healthful enjoyment, and except for the *Shikargah*, or to pay a *ziarut* (visit of pilgrimage) to the tombs of sainted worthies, or their own ancestors, the Ameer never left their fort: they were at all times very accessible, and complaints were readily inquired into and redressed."—*Personal Observations on Sindh*, p. 224–5.

Their real taste was the love of sporting; all its branches, shooting, hawking, horses, and weapons, were the subjects which engaged their time, and to which all their resources were dedicated. Their passion for arms was such, that they purchased every valuable sword or matchlock which came in their way, and notwithstanding the additions which they were continually making to their stock, they never had enough. To their love of sporting they sacrificed the resources of their

country and their prospects of revenue. They asserted that every head of game killed by them cost 80*l*. Large establishments were kept up to guard their preserves, and the preserves themselves were formed at the loss often of the most fertile tracts. One Ameer for instance razed a populous village and removed the inhabitants, because their cocks disturbed the game in a neighbouring preserve. Another destroyed two villages, in order to convert the land which belonged to them into forest ground which should be ready and stocked with game when his son came of age. We might lengthen the list, but it is needless. They themselves repeatedly declared that their preserves were dearer to them than father or mother, wife or child. The notes of a conversation which Lieutenant Eastwick had with them, while negotiating a treaty, will explain their principles of government. Let them speak for themselves.

"I replied, . . . 'Employment would be given to thousands; a vast influx of capital would encourage commerce and manufactures; this would eventually find its way into the treasuries of their Highnesses. The Indus, now so barren, would teem with vessels, jungles would yield to the plough, and prosperity succeed to decay and population.' 'All this may be very true,' replied Noor Mahomed, 'but I do not understand how it concerns us; what benefit do we derive from these changes? On the contrary, we shall suffer injury, our hunting preserves will be destroyed, our enjoyments curtailed. \* \* \* \* \* You have talked about the people: what are the people to us, poor or rich? What do we care, if they pay us our revenue? You tell me the country will flourish; it is quite good enough for us, and not so likely to tempt the cupidity of our neighbours. Hindostan was rich, and that is the reason it is under your subjection. No, give us our hunting preserves and our own enjoyments free from interference, and that is all we require.'"—*P. Papers*, p. 133.

In following the course of the negotiations, we shall have occasion to see their uncandid disposition, their vacillating policy and the shallow artifices which they preferred to more open measures. But these were perhaps a natural result of the weak foundation on which their power rested, of their state of disunion and incessant intrigue, their horror of business, their wretched morals and the ignorance in which they had lived. Their profound selfishness and distrust in small things was shown by their treatment of Dr. Burnes. He had gone to Hyderabad, at their earnest request, to afford



medical aid to one of the Ameers, and during his stay made use of some quinine, the miraculous effects of which in curing fever excited their admiration: they took possession of the phial which contained it, his whole stock on the spot, and would not even allow Dr. Burnes himself the use of any, when some time after he had a severe attack of fever, notwithstanding his promises to send them as much as they wished from Bombay.

The foreign policy of the Ameers, from the beginning of this century, has been actuated only by jealousy and distrust. Too weak themselves to attack their neighbours, and conscious of their inability even to defend themselves against a powerful enemy, their endeavours have been chiefly turned towards preventing the possibility of an attack. Their internal government has had the effects which might have been expected. Forty years ago there were still considerable remains of the ancient manufactures for which Sind was famous; there was still commerce on the Indus and on the sea-coast; since then, the Ameers have consummated the destruction of both. The remnant of the manufacturing Hindoos has disappeared. The route by the Indus was virtually stopped, till the exertions of the government of India reopened it. Fertile tracts have been laid waste and villages depopulated, while the wealth and revenue of the country have yearly decreased.

The number of the Ameers has varied since the first foundation of the Talpoor dynasty. The capital has always been Hyderabad, but many years ago a branch settled at Khyrpore in Upper Sind, who, while carrying on the government of their own possessions under a system similar to that already described, generally acted in subordination to the Ameers of Hyderabad in matters affecting the state as a whole. At the time of the commencement of the negotiations of which we propose to give a rapid sketch, Sind was governed in chief by the Ameers of Hyderabad, the principal of whom, and the representative of the general government, was Noor Mahomed Ali; the Hyderabad Ameers were also in immediate possession of the whole of Lower Sind except Meerpore, which belonged to a branch of the family, the head of which was the Meerpore Ameer, Meer Shere Mahommed; Khyrpore, in Upper Sind, was the capital of the Khyrpore Ameers, the

chief of whom was Meer Roostum ; and the revenues of the rich district and town of Shikarpore, being an acquisition more recent than the partition-government of Sind, were divided among the whole in certain shares.

The progress of the English government in establishing an intercourse with these chiefs was as slow as their views and habits might have led us to expect. There was indeed, towards the end of the last century, some degree of readiness shown to cultivate a more intimate connexion, and especially to encourage commercial intercourse ; the Company established in Sind a commercial agent, who was selected as much on account of his diplomatic abilities as his knowledge of trade. But his residence was cut short by his being suddenly and forcibly ejected ; and we are still uncertain whether this was caused by the intrigues of the native traders, whose business was injured by the appearance of so gigantic a competitor as the East India Company, or by jealousy on the part of the Ameer at our successes in India. Whatever was its cause, the English government was far from being in a condition to resent the insult : it had interests of vastly greater and more pressing importance to attend to nearer home, and no further communication took place with the Ameers for several years. In 1809, when embassies were sent to Caubool and Persia with a view to counteract the intrigues of the French, one was also despatched to Sind. After infinite difficulties, which the arrogance, jealousy and pretended dignity of the Ameers opposed at every step of the negotiations, a treaty was concluded, which provided for the mutual despatch of ambassadors in case of need, and, on the part of the Ameers, for the exclusion of Frenchmen from Sind. In 1820 an envoy was again sent to Sind, in consequence of the desert tract between that country and British India having become the abode of plunderers, for the purpose of remedying this evil by the co-operation of the British, Sindian, and Jhoudpore governments. On this occasion a second treaty was concluded, by which the suppression of these plunderers was agreed on, and the Ameers, in addition, promised not to permit either Europeans or Americans to settle in Sind. In 1825, at the time when the Burmese war and siege of Bhurtpore were in progress, it was found neces-



sary to collect a considerable force in Cutch, the next province to Sind, in order to overawe the Ameers, and to stimulate them to a performance of the treaty for the suppression of freebooters.

The next steps in our connexion with Sind were destined to lead to much closer intercourse. The Indus still remained unexplored, and the greatest desire prevailed in India to ascertain its capabilities and to establish a commercial road along its waters. It was about the same time too that much interest was excited by speculations on the subject of a Russian invasion of India. The Persian war had ended, and Russia had advanced her frontier some hundreds of miles towards India. It was felt that there was a great want of information regarding the countries lying between Persia and Hindostan, but the Indus was a boundary whose importance was fully understood. Every circumstance combined to render a correct knowledge of that river desirable, and in 1830, on the occasion of a present of some horses being sent from the king to Runjeet Sing, it was determined, at the instance of the present Governor-general, then President of the Board of Control, to request a passage for them through Sind and up the Indus. An account of that proceeding has been given to the world in the travels of the late Sir A. Burnes, the officer selected to carry this resolution into effect. The unwillingness of the Ameers to grant a passage through their country and to lay bare to English enterprise the secrets of the Indus, which they had hitherto so sedulously concealed, and their various stratagems and shifts, were met by the English diplomatist with much skill. We may indeed, on perusing his narrative, feel that he met hollow pretences with pretences not much less hollow; but the object was gained: the presents passed up the river, and the officers of the expedition made good use of the opportunities afforded them to ascertain correctly the general capabilities which the river offered for trade, and the traffic which at that time was carried on upon its waters.

Lord W. Bentinck, who was then Governor-general, lost little time in utilizing the information thus acquired. In 1832 a third treaty was agreed to by the Ameers of Sind. By this they promised to grant a passage to the merchants

X and traders of Hindostan along the river and roads of Sind, on condition that no armed vessels should pass, that no military stores of any description should be conveyed along them, and that English merchants should not be allowed to settle in Sind, but depart as soon as their business was finished. Some details were also stated in the treaty respecting the mode of granting passports to merchants visiting Sind, and the imposition of certain fixed rates of duty. A supplementary treaty of the same date provided for the manner in which the assent of the British government should be given to the fairness of the rates of duty, which were not yet settled, for the complete suppression of the border plunderers, and for the communication of the treaty to the Khyrpore Ameers, who, by a separate instrument, had promised to abide by any X treaty which might be agreed on at Hydrabad.

In 1834, the clauses in this treaty which provided for the establishment of a tariff were cancelled, and, in lieu of them, treaties were simultaneously formed with Sind and the other powers on the Indus and its navigable tributaries; these treaties imposed a toll of 570 rupees on every boat, without respect to size, which navigated the Indus and Sutledge from the sea to Roopur. Of this sum, 240 rupees were to be paid to the Ameers, and the remainder in defined proportions to the other powers. All merchandise which landed in Sind was to become liable to the local transit duties, but while on the river was to be considered as covered by the toll from all other demands.

In 1836, Runjeet Sing, who had for many years meditated an attack on Sind, demanded of the Ameers a tribute of twelve lacs of rupees, took Rojhan, the capital of a tribe nominally dependent on them, while his troops, advancing into their territories, captured a fort belonging to them and approached the great commercial mart of Shikarpore. He was preparing to follow up the blow by more extensive military operations, when the Indian government interfered. The position of Sind on the Indus, to the opening of the navigation of which so much attention had but lately been directed, was the primary motive; while the great inconveniences which might have resulted to our north-west frontier, had Runjeet Sing conquered Sind and disposed of it to any other power,



or thrown it into a state of anarchy, furnished an additional reason for preserving the *statu quo*. The Governor-general therefore instructed his envoy with Runjeet Sing to use, first, friendly remonstrance, subsequently, any means short of actual menace, for the purpose of delaying the advance of the Seiks, until communications should be received from the British agent in Sind regarding the result of negotiations which the latter had been directed to enter into with the Ameers.

The instructions to Colonel Pottinger, then the Governor-general's agent in Sind, dated 26th Sept. 1836, are somewhat in detail, and we extract from them the following clauses, which are calculated to show the general object held in view, and important in their bearing on subsequent proceedings:—

“ In interposing for the protection of Sind from imminent danger, the British government may justly expect to receive in return some corresponding advantages. His lordship in council would not, without your deliberate advice, and a very careful consideration of all the circumstances of the position of Sind, enter into a general engagement to defend that country from all external enemies; but he does not hesitate to authorize you to promise his mediation in all disputes between the Ameers and the government of Lahore, if a reasonable equivalent be assented to. As one condition of this mediation, and with a view to enable this government readily to give effect to it, it would be advantageous if the Ameers would consent permanently to receive a body of British troops to be stationed at their capital, the expense of the detachment being paid from the Sind-revenues. His lordship in council would not insist upon this as an indispensable part of any arrangement, but he empowers you (reserving all points of detail) to agree to it on his part, should the Ameers not persist in opposing it under any circumstances. Short of this, the present mediation of the British government with Maharajah Runjeet Sing may be promised, on the condition of the reception of a British agent at Hyderabad, and, of course, of all the relations between Sind and Lahore being conducted solely through the medium of British officers, and of the expense of any temporary deputation of the British troops, which may now be found requisite, into Sind, being defrayed by the Ameers.

“ If the Ameers should evince a disposition to place themselves in entire political dependence upon the British government, permanently receiving its troops and having its protection against all external enemies, you will merely receive their overtures to that effect, and state that you will submit them for the consideration of the Governor-general in council. In forwarding such overtures, you will explain, in the fullest detail, your view of the advantages or disadvantages of acceding to them. Under any form of alliance, the British government will be anxious not to afford its gua-

rantee to the Ameers on points of merely internal administration."—*Sinde papers, part i. pp. 5, 6.*

The general meaning of the interference was this:—if the Ameers accepted his mediation, the Governor-general was prepared to resist the progress of Runjeet Sing by force of arms; but in return for saving them from being conquered by the Seiks, he desired some corresponding advantage, the nature of which may be understood from the extract above quoted. In case the Ameers should not accept the connection thus offered, they were distinctly told at a later period, that

"if they continued to manifest so great an aversion to form a closer alliance with the only power competent to render them efficient aid, the British government must refrain on any future occasion from interfering to promote their welfare, or to secure their independence."—*Parl. papers, part i. p. 31.*

It was obvious that we could not continually interfere in behalf of a state which was much too weak to support itself against foreign aggression, unless there was some return made. The negotiations were in a great measure successful, though the Ameers evaded the demands of the Governor-general.

Runjeet Sing yielded, accepted our mediation and expressed only a desire that his dignity might not be publicly lowered by an open notification of the abandonment of his claims on Shikarpore. With the Ameers, all the various proposals for a closer alliance were discussed, and, among others, the reception of a subsidiary force at Shikarpore and the cession by them of a portion of the revenue of that city. The result was a treaty which was concluded in April 1838, nearly two years after the first advance of the Seiks and a year and a half from the beginning of the negotiations: by it the Ameers agreed to receive a British resident at Hyderabad, or wherever else might be expedient. This condition had been made a *sine qua non*, without which the Governor-general declined to interfere any further in stopping the progress of the Seiks.

We have no observations to make on these occurrences. They were conducted to their conclusion in peace, and the chief ends—the protection of Sind and a nearer connection with its government—were attained. We must however remark on the singular meaning which appears to have been



attached to the word *independence* in the instructions of the Governor-general.

In the extract last quoted, the British government, it is said, will not at any future time endeavour to secure the independence of the Ameers. It was at that very time desirous to secure its dependence on itself. In the same page (part i. p. 31), the British minister with Runjeet Sing has been "apprised that it was not deemed expedient that we should become a party to any arrangement which would subvert the independence of any state with which the British government was in friendly alliance." A similar statement occurs at the bottom of the next page (32). This very state, whose independence was so cared for, had been desired to receive a British force, which should not be employed in protecting it from foreign aggression, or in guaranteeing its internal tranquillity, and which could therefore only be useful in retaining it in dependence on the Indian government. There was however, as we have already said, no unfair result from this confusion of terms.

Hitherto the connection with Sind had been comparatively simple and its affairs little complicated; but the year 1838 introduced into them a new element and was the commencement of great revolutions. The treaty for the residence of a British minister at the court of Sind was concluded on the 20th April, 1838, and Colonel Pottinger was appointed to fill that office. On the 26th June of the same year, the tripartite treaty between Runjeet Sing, Shah Shoojah and the British government, was agreed on at Lahore, for the purpose of reinstating the ex-king of Affghanistan in his former possessions. Among other provisions, Shah Shoojah contracted to

"relinquish for himself, his heirs and successors, all claims of supremacy and arrears of tribute over the country now held by the Ameers of Sind, on condition of the payment to him by the Ameers of such a sum as may be determined under the mediation of the British government; 15,00,000 rupees (150,000*l.*) of such payment being made over by him to Maharajah Runjeet Sing."—*P. Papers*, p. 8, art. xvi.

About a month after the conclusion of this treaty, a copy of it, with other documents connected with the invasion of Affghanistan, was transmitted by the government to Colonel Pottinger in Sind. Our space will not permit us to

extract entire the letter of instructions which accompanied it, but as this is the foundation of all the subsequent demands, disagreements and treaties with Sind, we must notice it somewhat in detail. The Ameers were to be told that a crisis had arrived when our real friends must declare themselves; that the disposition of the Governor-general towards them was very good, and a disagreement would much distress him; that, on the other hand, he expected them, as sincere friends, to make "some ostensible display of their attachment to British interests" and to his reasonable wishes; that by the article of the treaty which we have quoted, he had engaged to arbitrate the claims of Shah Shoojah on the Ameers, and of Runjeet on Shah Shoojah (the Ameers having previously accepted his mediation of Runjeet Sing's claims on them).

"The Governor-general," continued the letter, "is averse from contemplating such a result as a refusal on the part of the Ameers to enter into such a composition with His Majesty as the British government may deem just and reasonable; but it may be proper to apprise them of the probable consequences of their not coming cordially into the views of his lordship at a crisis so important; and you are authorized to tell them that his lordship must regard the demonstration of such a spirit as rendering it indispensably necessary to the success of the enterprise which it is the object of the tripartite treaty to accomplish, that temporary occupation should be taken of Shikarpore, and as much of the country adjacent as may be required to afford a secure base to the intended military operations.

"His lordship is further unwilling to contemplate the contingency of offensive operations being undertaken against the Ameers by the Shah, after he shall have established, by the support of the British power, his authority in Afghanistan, for the realization of what he may deem his just claims. But the Ameers must be made sensible, that if they should now deprive themselves of the advantage of his lordship's mediation, with a view to effect an immediate favourable compromise, the British government will be precluded from offering opposition to any measures for the assertion of those claims which the Shah may eventually determine to adopt."

A previous paragraph had declared that the Governor-general would

"endeavour to prevail on Shah Shoojah to reduce the claim he has on the Ameers to a reasonable amount, and he trusts that you will have no difficulty in convincing them of the magnitude of the benefits they will derive from securing the undisturbed possession of the territories they now hold, and obtaining immunity for all future claims on this account by a moderate pecuniary sacrifice."

The minimum, it was stated, might certainly be taken at twenty lacs of rupees (200,000*l.*).



The instruction proceeds to say, that the article of treaty which provided against military stores being conveyed by the Indus must necessarily be suspended during the operations undertaken for the security of the contracting parties; that if any of the Ameers have entered into friendly relations with Persia, they should be considered to have committed acts of hostility, and the Resident was empowered in such case to order the advance of the army from Bombay against them, and to enter into such engagements as might be advantageous with any Ameers who were disposed to accept our friendship. The Resident was also to report on the amount of tribute which he thought they might reasonably be expected to pay, with reference to their means and the advantages they were to gain.

Before these demands were communicated to them, three of the Ameers had forwarded to the Shah of Persia, then encamped before Herat, a letter in the form of a petition, containing professions of obedience to him, and a rough copy of this found its way into the hands of Colonel Pottinger.

X Let us glance for a moment at the position of some of the parties who were concerned in the affairs which led to the invasion of Afghanistan and these demands on Sind. The Shah of Persia was the cause of the whole of the great movements which took place from India: he was fired with the ambition of rivalling Nadir, and listened to evil counsellors whose interest it was to fill him with that foolish ambition; he left therefore his own but half-subjected kingdom to sit down before Herat. He extended his claims not only to Herat, but to the whole of those countries which had been subject to Nadir. Possession, it is true, was not in his favour, for Nadir died in 1747, and ninety-one years had passed away since a Persian Shah had ruled over Afghanistan and Sind. But if English law has borne the maxim, *nullum tempus occurrit regi*, a Shah of Persia, a country where the royal prerogative has always been more grievously oppressive than in any other, was not likely to think the more lightly of his claims because he had not had possession for nearly a century. Shah Shoojah was much more favourably situated. He had actually governed Afghanistan as king; he had a strong party there favourable to him, and he had not, by any act of his own, ac-

knowledge of the government of his successors. A refugee and a pensioner in the British territory, he hailed the advance of the Persians, and the consequent offers of the Governor-general, as the events which were to restore him to his throne and his beloved Caubool.

The situation of the Ameers of Sind was a distressing one. Their power was built on sand, and they were conscious of it. The kingdoms around them were becoming agitated with the gale, while they were aware, that if exposed to it, their own crazy bark could not weather the storm. They had accepted by treaty the interposition of the British government in their dispute with Runjeet Sing, and had, for the first time, allowed an English officer to reside at their court. Political reports in the East are of a nature to which we have no parallel in Europe. With perhaps a little truth to begin with, they start from some place, hundreds of miles distant, and advance, like an avalanche, adding some fabrication at every step. When they at length reach an unfortunate person who is interested in their truth or falsehood, their appearance is so changed by the number of additions they have received, that nothing but great knowledge of circumstances and a sound judgement can enable any one to disentangle the truth from the falsehood. The Ameers of Sind had neither the knowledge nor the judgement; they were therefore at the mercy of every breath of rumour, and they were so situated that not one escaped them. On one side the Shah of Persia was besieging Herat and threatening an advance to the Indus; on the other, Shah Shoojah and his allies were pouring down on Sind, and a contest was to ensue, of which no man, and least of all the ignorant Ameers, could foresee the termination. If their predilections as Sheas and co-religionists of the Persian made them wish for his success, their dread of him as a master and of being called on for the arrears of tribute of a century, and the recollection of ruined towns and pyramids of skulls which have so often marked the career of Persian conquerors, must have induced them to desire his failure. But one course, that which every secondary Asiatic prince would have taken under like circumstances, was obvious. The deluge of conquerors that have swept over Asia has taught the lesson of paving the way for friendship with



an advancing invader, even though no wish is felt for his success, and a determination to oppose him on any favourable contingency is entertained. To have an envoy negotiating in his camp, while he is preparing, perhaps, to defend himself as against a declared enemy; to make vague promises of submission and of performing everything that can be required, without taking a single step to give any effectual assistance, is the wisdom of a weak Eastern prince. The Ameers of Sind therefore did what was to be expected of them, when they opened a communication with the Shah of Persia: it engaged them to nothing, and contained only a profession of submission.

It was far otherwise with the demands of Lord Auckland. They had no sooner received a minister at their court than a military road was demanded through their country, the article of treaty regarding it being suspended, and a sum, nearly if not quite equal to their annual revenue, was required as a composition for the, in their eyes, somewhat antiquated claim of Shah Shoojah. This claim to tribute had, in fact, become nearly obsolete. We have already noticed, that in 1805 Shah Shoojah took a portion in lieu of all the arrears due to him, and that from that time the Ameers of Sind, finding their own strength, ceased to pay any more tribute. In 1833 Shah Shoojah made an attempt on Candahar, and in passing by Shikarpore, his rabble and that of the Ameers had some fighting; which, though we have not any distinct notice of the fact, may have resulted in some payment by the latter to avoid further molestation. Nearly thirty years had however passed away since Shah Shoojah sat on the throne, or received the revenues of his own kingdom; and the tributaries, who some years before his dethronement had forced him to take a portion of the arrears due to him, and had never paid him after, must have considered his right quite obsolete. In that long interval, seven treaties of friendship had been made between the governments of Sind and India. The Ameers had been treated as independent; their dependence on Shah Shoojah had never been mooted before. Runjeet Sing, one of the parties to the tripartite treaty, had even proposed that the Ameers should be tributary to himself,—a fate from which the interference of the Governor-general had just saved them. We need not marvel, moreover, if the Ameers, to whom the nice-

ties of international law were unknown, judged these transactions as men usually judge when they are deeply interested; or if they were unable to appreciate the boon which was said to be offered to them, when they were called on to pay down a large sum, the amount unknown, as a composition for arrears of a tribute which they thought no longer claimable, and in favour of a king who was as yet unenthroned. We are not surprised when we read that an *employé* of the Ameers, some time after the demands had been made, said to Colonel Pottinger, "It is a joke talking of it as a demand of the king; you have given him bread for the last five-and-twenty years, and any strength he has now, or may hereafter have, proceeds from you, so that the demand is literally yours,"—*Parl. Papers*, p. 62.

The Governor-general had felt himself to be in a position surrounded by difficulties. The wisdom and the justice of the invasion of Affghanistan have both been denied, but we are not called on to discuss that question; suffice it to say, that there can be no doubt of Lord Auckland's being fully convinced both of its justice and expediency, or rather of its being the only safe and honourable course open to him. If it is assumed that the tripartite treaty was not founded on justice, there can be no hesitation in condemning the proceedings which affected Sind; but we must assume that the general scope of the military operations, the setting up of Shah Shoojah and dethronement of Dost Mahomed and his family, were both just and expedient. It remains to test the justice with which the Ameers of Sind were treated. The recognition of Shah Shoojah's supremacy over them, it must be observed, obviated all difficulties of form, obtained a military road, on the plea of aiding the lord paramount, and gave an opportunity for formally freeing Sind from the claims of the Affghan king, while it furnished the not unacceptable sum of two or three hundred thousand pounds to the allies of the Governor-general. Of those allies, one, Runjeet Sing, had pecuniary claims on the other, while both had claims on the Ameers: the Gordian knot was easily cut by extracting a large sum from the Ameers, and declaring them free from both parties. There was also the appearance of scrupulous justice; but it may be questioned if the reality



of justice was there. Besides the various treaties which had been concluded between the Ameers and the Indian government, which, recognising as they do their virtual independence, may be perhaps considered to have estopped the latter from forcing them again to become tributaries, a treaty had just been concluded, by which the Ameers engaged to receive a British envoy to reside at their court; and this act of independence was delivered to them ratified, after the tripartite treaty had been concluded: moreover, in the very negotiations which led to that treaty, and which were still fresh in the memories of all parties, the Governor-general had endeavoured to induce the Ameers to receive a British subsidiary force, and was prepared to accept their submission to the government of India, and to discuss the propriety of guaranteeing them against external enemies, in very great disregard of the rights of him who was a few months after to be our ally,—rights the release from which was to cost the Ameers 280,000*l.*, as fixed by the Governor-general himself. We have assumed the justice of the cause in which our armies were moved into Affghanistan. It is obvious that when these operations were in progress, Sind could not be left on the chief line of communication without security for its remaining friendly, or not taking a part against us; but in this case, we believe that injustice, or the appearance of it, brought with it inconveniences of which it was alone the cause. The Ameers would, without much opposition, have yielded to all the demands which the security of our military operations required; even if they had yielded unwillingly, they would have found no support in their own country when once the intentions of the Indian government had been satisfactorily explained; but a demand, which to us appears questionable, and which they must have viewed as an act of spoliation and rapacity, increased their natural distrust and caused them to throw every obstruction in our way. The very small amount of correspondence which we can trace in the Parliamentary Papers, explanatory of the justice of the demand of tribute, the absence of reasoning on the subject, and the curt and dry way in which the claim was suddenly presented to them, were not calculated to remove this distrust; but it is a subject which it is now hardly worth while to argue. The supremacy which Shah

Shoojah's predecessors had enjoyed in the last century, and to which therefore he had a *legitimate* right, had half escaped from his feeble hands even while he sat on the throne, and during the thirty years since his dethronement the various countries which composed his dominions had never been connected under one ruler. Cashmere and Peshawur had been taken by the Seiks; Kelat, Sind and Herat had become independent. The same assertion of supremacy was made over Kelat, and notwithstanding the effect produced by the taking of that place, it was not long before the carrying out of the principle in the separation of the fertile tract of Cutch Gundáva from the principality of Kelat, and the measures consequent on that proceeding, threw Beloochistan into a rebellion, which was only quelled when the false step that had been taken was virtually retraced. The course of events was different in Sind, but the assertion of the supremacy of Shah Shoojah and its results were there also the causes that gave force to whatever hostile feeling existed.

Colonel Pottinger's residence in Sind began under heavy disadvantages. He had scarcely been permitted to establish himself there, when he was made the instrument of demands, which even after a friendly intercourse of years the Ameers were not likely to look upon favourably. The approach that had been made to a closer connection had been violently opposed by some of the chiefs, and this immediate result of it, the calling on them to pay a large sum, was not calculated to make them less suspicious. Besides, an article of treaty regarding the non-conveyance of military stores by the Indus was suspended at the fiat of the Governor-general, while the exact fulfilment of other articles was not the less required of the Ameers.

The negotiations which follow the communication to them of the demands of the Governor-general, which was made in the end of September, consist of a succession of subterfuges on their part. They remind us often of Turkish diplomacy, and strongly recall to our mind the tedious shufflings of the Porte in the Syrian negotiations of 1841 and 1842, though the comparison scarcely does justice to the Turks. The denial by the chief Ameer of any communication having been made to the Shah of Persia, and some offensive remarks and



messages to the native agent of the Resident, together with the feelings of "unwarrantable enmity and jealousy" with which the chiefs regarded us, induced Lord Auckland to cause a force of 5000 men to be prepared at Bombay, for the purpose of occupying Sind, but eventually this force passed through Sind and marched on to Candahar. We must premise, that throughout the whole of these affairs, one of the Ameer, Sobdar Khan, undeviatingly adhered to British interests; but with this one exception, nothing more unstable, or less guided by any determinate principle of action, has ever been recorded than their conduct. The principal Ameer, Noor Mahomed, was the usual channel of communication, and the originator of the measures which he pursued. Their correspondence with the Shah of Persia they first denied, and then treated as a trifle, a mere compliment. They used hostile expressions, and boasted of the power of the Shah of Persia, of Russia and of the Affghans, and then denied having done so, and abused them in the most shameless manner. They boasted of their own power to oppose us, and then offered their assistance. They talked of stationing parties of their troops at different points for the purpose of protecting the crops, having just before said that they were unmanageable and spared neither friend nor foe. They once took away the usual retinue of horsemen who accompanied the Resident on his departure from an interview with them, and he was compelled to pass on his way home with only five or six unarmed attendants on foot, the streets being at the time crowded with armed men, who proceeded from hooting and laughing to yelling and pelting with stones. Circumstances gave reason to suppose that this was done at the instigation of the Ameer; but they afterwards made the humblest apology. They refused the Resident a piece of ground to build a house on, and afterwards begged him to select one and made him a present of a valuable walled garden for the purpose. At one time the chief Ameer desired that what his son and minister said might be considered authentic. The latter insinuated that Colonel Pottinger was in danger from the Belooch chiefs, and, on being told this, the Ameer abused them in the grossest manner. They refused Shah Shoojah a passage

through their country, and then declared that they did not know that the English government was helping him. At one time they professed to consider Colonel Pottinger their only friend; at another they endeavoured to open an underhand correspondence with Sir A. Burnes, or to send a vakeel to the Governor-general. Noor Mahomed at one time refused to pay any tribute to Shah Shoojah; at another, perhaps with a view of entrapping the Resident, offered to pay the whole himself, if the English would assist him in recovering their shares from the other Ameers and their dependents. Sometimes he acted alone, and of himself opposed every demand; sometimes he abused the others as the only causes of his not executing our wishes.

They were told, that if a passage was not granted to the Bombay army, it would force its way. Their great dread was, that the troops would be introduced into the heart of their country, and would be used to extort an immense tribute; the amount of this having been kept unsettled, and hanging over them *in terrorem*. On the 25th of October the chief Ameer promised everything that was asked. He had heard of the retreat of the Shah of Persia from Herat, and he now promised camels, grain, boats and a passage along the river for the troops, to which last he throughout had made great objections. On the 2nd of November the Resident thought it would be necessary for him to offer an ultimatum,—which he did not expect them to accept,—to leave Sind and to declare war against them.

On the 27th of November the first transport with troops from Bombay arrived off the mouth of the Indus. Not a camel, boat, or particle of grain had been collected, notwithstanding the orders which the Ameers said had been given. Men who had received from British agents money in advance for the hire of camels, etc., fled on hearing that troops had arrived. They had not received leave—in other words, had been forbidden to serve us, though orders signed by the Ameers were in the hands of the agents directing every aid to be given to them. The Ameers were then told that the supplies, if not furnished, would be taken by force, payment of course being made to the owners, and that the Sindian officers who



obstructed us would be punished. The chief object of the principal Ameer at this time seems to have been to get the amount of the tribute which was to be paid to Shah Shoojah settled, but Colonel Pottinger was not empowered to discuss or fix the sum. A profound distrust animated the Ameers. While they professed entire devotion to our cause, they began to collect their forces. Belooch levies came pouring in from all parts of the country. A cannon shot was fired from the Imeer's park of artillery immediately over the Resident's tent, and fell about 300 yards beyond it. The Resident remonstrated and threatened that he would withdraw, and that "the insult would perhaps be paid with interest;" and the Ameers, after blustering about the severe punishment they would inflict on the offenders, stated that the commandant of artillery denied the fact. Throughout their territories British agents were prevented from procuring supplies, camels were carried off when they approached a village, and every obstruction that could be thrown in their way was made use of. The Resident's departure to join the force at the mouth of the Indus was the signal for renewed promises of aid. Camels were gradually procured there, but the Ameer of Meerpore refused a passage through his territory for those which came from Cutch, which were therefore forced to make a detour. The Ameers began to exert themselves at last to forward the movement of the troops. The army was in the country, and the sooner it was out of it the better.

The camels came in but slowly. The force had begun to arrive at the mouth of the Indus on the 27th of November, but had not reached Tatta before the 31st of December, and had then to send back its camels to bring up stores from the rear. The season was advancing. Sir John Keane's force was intended to march on to Candahar, after settling the affairs of Sind; and it was necessary that it should be above the passes before April, in consequence of the nature of the country through which it had to march. But on the 17th of January the army was still at Tatta. On that day a deputation of two officers, Lieut. Eastwick and Captain Outram, was sent to Hydrabad, with copies of a treaty which was proposed for the acceptance of the Ameers, and declared to be an ultimatum. They had an interview on the 22nd, and we

cannot better describe the opening of the meeting than by an extract from the report of the former officer, which furnishes also a specimen of the sort of arguments which those chiefs adopted, and of their assertions of being friendly, after the numerous obstacles they had raised.

"After a profusion of civilities, evidently forced, Meer Noor Mahomed produced a box, from which he took out all the treaties that had been entered into between the British and Hyderabad governments. Showing them to me one by one, he asked, 'What is to become of all these?' I referred him to the first article of the present treaty. 'Yes,' he said, 'here is another annoyance; since the day that Sind has been connected with the English, there has always been something new; your government is never satisfied: we are anxious for your friendship, but we cannot be continually persecuted. We have given a road to your troops through our territories, and now you wish to remain. This the Belooches will never suffer. But still we might even arrange this matter, were we certain that we should not be harassed with other demands. There is the payment to the king, why can we obtain no answer on this point? Four months have now elapsed since this question was first discussed. Is this a proof of friendship? We have failed in nothing: we have furnished camels, boats, grain; we have distressed ourselves to supply your wants.' "

The ultimatum now offered was discussed point by point. They objected to various particulars, but gave no definitive answer. On the next day the followers of the English officers were insulted; shopkeepers were forbidden to sell anything to them; armed men established themselves near their encampment, and a night attack was reported to be intended. At length, on the second day, they left Hyderabad by the river, in order to avoid precipitating hostilities by any attack being made on their small party. The stores of grain and forage which had been collected at Hyderabad were plundered and destroyed after their departure.

Hostilities now seemed certain; but the Ameers had time for deliberation. We have hitherto confined ourselves to tracing the progress of affairs at the court of the Hyderabad chiefs. We must now revert to the events which had taken place at the court of Upper Sind—that of the Khyrpore Ameers. These chiefs, as we have already said, usually acted, in regard to foreign affairs, in subordinate co-operation with those of Hyderabad; but on the present occasion they departed from their usual practice. Meer Roostum, the prin-



cipal Ameer there, was a mild and sensible man ; and though his weak temper made it easy, on most occasions, to lead him, it did not induce him now to listen to the advice of his relative, Meer Mobaruck, who was desirous to join with the rulers of Lower Sind in opposition to the English. The Khyrpore state was much less powerful than that of Hyderabad ; it was moreover in the immediate route of the army which marched to Candahar ; and it was therefore sure to be the first overwhelmed, whatever might be the fate which awaited other more remote districts. Meer Roostum did not, it is true, put implicit confidence in the declarations which had been made of the Governor-general's intentions ; he was most solicitous to prevent the army of the Indus from passing through Sukkur ; but there were no degrading subterfuges employed, and he pledged his faith and performed what he had promised in a manner which contrasted most favourably with the conduct of his relations of Hyderabad. This course proved very embarrassing to the latter, taking away from them, as it did, the strength and confidence which complete union between them would have given to their opposition to the demands of the English government.

It was previous to the time that hostilities were so likely to commence in Lower Sind that the chiefs of Upper Sind concluded a treaty with Sir A. Burnes, which declared them to be independent of the Hyderabad state ; they also acceded to all the demands of the Governor-general, and gave up as a depôt, during the continuance of military operations beyond the Indus, the important fort of Bukkur. The news of the likelihood of hostilities taking place reached the troops, which were then near that fort : a detachment under Sir W. Cotton began its march down the left bank of the Indus, to operate as a diversion in favour of Sir John Keane's division, which was moving upwards to Hyderabad from Tatta : the signature of the treaty, and the march of the two bodies of troops which were approaching Hyderabad, induced the Ameers of that place to yield ; and on the 1st of February 1839, they acceded to the ultimatum which had been tendered to them.

Lord Auckland had been prepared for the contingency of war taking place ; and while he did not consider it politic, with reference to the operations in Affghanistan, to notify, in

case the Ameers were vanquished, that Sind had become a British possession, he informed Sir John Keane that "military occupation may be taken, and held, of the country of the Ameers, pending the final settlement of our relations with Sind, the revenue being collected and the government administered, *ad interim*, by the native officers, under the superintendence of the Resident."

This event was, however, delayed till the present year. On this occasion the effusion of blood was spared, as well as at Karachee, the sea-port of Sind, which was taken by the Wellesley under a mistake regarding the intentions of the garrison to resist, which for the time had all the consequences of a lawful capture.

The terms of the treaty thus accepted were, a British subsidiary force to be stationed at Tatta in Sind, and a portion of the expense of it to be paid by the Ameers, "in consideration of the vast advantages their territories will derive from its presence;" non-interference in their internal government; protection from foreign aggression; the mediation of the Governor-general between the Ameers in any important disputes among themselves; his support against rebellion on sufficient cause being shown; the Company's rupee to be allowed currency, and seignorage paid to the Ameers by the Indian government if the latter found it necessary to coin money in Sind; no new treaties with foreign states to be entered into by the Ameers, but friendly correspondence to be carried on as usual with them; facilities for forming the port of Karachee into a depôt for stores (it was taken two days after the signing of the treaty); all toll on the river to be abolished, and no duty to be levied within a British cantonment, but goods landed elsewhere than in a cantonment to be liable to the usual duties; the Ameers to furnish an auxiliary force for service in Sind when called on (this article was only inserted originally to flatter the Ameers); the independence of the Ameers on each other, and of the Khyrpore state on Hyderabad guaranteed.

If these terms seem severe, the cause of them will be best explained in the instructions given by the Resident to the officer who laid them before the Ameers.

"Some of the Ameers may, and perhaps will, say, that it is a breach of



former engagements, bringing troops into the country without their leave. For an answer to this remark, if made, they may be told they have only themselves to thank for rendering the arrangement imperative. Had they all along acted with the good faith and fidelity we have observed towards them, no such measure would have been thought necessary. The Governor-general of India disclosed to them, through me, every secret and motive of his lordship's plans, and invited them, as friends and near neighbours, to aid in their accomplishment. They hesitated to do so: they proffered their allegiance to Persia, with whom we were then at enmity; they talked of calling in Persian aid against us; they insulted and even threatened to attack our ally, Shah Shooja-ool-Moolk; they sent messages, long after I had been at Hyderabad, to the chiefs of Khyrpore, by their relation, Jan Sing, to say that they were ready either for peace or war; and they not only failed in all the promises they made to assist the march of our troops, but deterred others from coming forward. I am willing to admit that they have latterly shown a disposition to second our wishes, and I have availed myself, in consequence, of the latitude left me by my instructions, to demand only what I conceive indispensable to the present and future safety of our interests."—*Parl. Papers*, p. 121.

The decision of the Governor-general regarding the amount of tribute which the Ameers should be called on to pay to Shah Shoojah, arrived just in time for the consent of the Ameers to be given to that demand as well as to the treaty; it was a curious corollary to the composition for arrears of tribute which they were required to pay, and the freedom which was to be guaranteed to them after payment, that the consent of the Ameers to this demand was simultaneous with their entering into a treaty by which they received a British subsidiary force, and surrendered their independence into the hands of the Governor-general. The tribute was fixed at 28 lacs of rupees (280,000*l.*), a large sum, and not much less than a year's revenue of the country. Twenty-one lacs were to be paid by the Hyderabad Ameers, seven by those of Khyrpore; but the chiefs who had remained friendly to the British interests, Sobdar Khan and Roostum Khan, were excused all payment, and the whole was to be liquidated by the others. The whole sum of seven lacs, payable at Khyrpore, was fixed on Meer Mobaruck Khan. It is rather difficult to understand on what principle the question of tribute was based. We cannot trace that the Ameers were threatened immediately by the British government with punishment for refusal to pay it; they were only told that they would be delivered over to the tender mercies of Shah Shoojah

as soon as he was settled in his kingdom; they were repeatedly told that the extracting a considerable sum from their pockets for an obsolete tribute was a great boon, an eminent service, which the Governor-general was rendering them: several months' delay took place in fixing the amount of this boon, but it was settled at last; and the composition for releasing them from tribute to Shah Shoojah was effected at the same date that they signed away their independence and made themselves subjects on the Indian government. The tribute was Shah Shoojah's, but his English allies took every possible occasion to induce its payment, and it was a subject of constant debate with the Resident, but was not insisted on when the ultimatum was offered, and was therefore left to the discretion of the Ameers; yet we find, p. 427, when in 1841 and 1842, the seven lacs due by Khyrpore had not yet been paid, that "the title of the family to their present possessions, under the protection of the British government, cannot be held as admitted until they have complied with the condition on which that protection was extended to the other Ameers of Sind."

It was declared not to be a fine, to the Ameers, who had imbibed an erroneous impression (p. 184) that that was its nature, but we find the two friends of the allies excused, while the others are called on to pay their own share and in addition that of their favoured brethren. The first results of the treaty were auspicious. The Belooch chiefs declared (p. 163) that our proceedings had throughout been marked by the strictest adherence to good faith, evidently because they thought, that when once the British army was in the country it would have taken possession of it. They were, in fact, quite unable to apprehend the impossibility of a barefaced seizure of their country taking place; and they had before them the example of India, which doubtless, like many Englishmen who are quite ignorant of the subject, they supposed to have been acquired by a mixture of force and fraud.

But we must revert to the treaty, which we have left apparently settled. The Ameers had signed it under the pressure of an approaching army menacing their capital; but the Governor-general refused to ratify it. We have already alluded to the taking of Karachee by H.M.S. Wellesley, two days after



the treaty was signed. The Governor-general had declared on the 21st of February, at the time when the Ameers were expected to resist the passage of the army, that if they fired a single shot, they should forfeit all the advantages secured to them by the treaty which was then negotiating. It is unfortunately the custom at some of the seaports of the west coast of India to fire off a gun on the arrival of a vessel. It was the custom to do so at Karachee for a square-rigged vessel. The Wellesley on nearing was greeted with the usual signal-gun: an officer who was sent on shore misunderstood the replies of the chief man in the fort to be hostile, when the answer was that he must send a man to the town to receive leave from his superior to give up his charge: a broadside from the seventy-four levelled the sea-wall in the mean time, and the garrison, who had only six pounds of gunpowder, kept in an earthen pot for salutes, ran away as fast as they could. These facts were not known until Colonel Pottinger made inquiries in person on the spot, and Lord Auckland was under the impression that, as was at first said to be the case, the shot was fired by order of the Ameers. When therefore he had decided that the resistance made at Karachee authorized its retention as a lawful conquest, the three articles in the treaty which contained provisions regarding that place became inapplicable, and it being thus necessary to reject the treaty, the opportunity was taken to remodel it altogether. We have only space for the general tenor of the more stringent terms now dictated. No limit was fixed to the number of British troops in Sind, or place of stationing them, except that they should be west of the Indus: seignorage on money coined by the English government in Sind was not to be paid as agreed in the former treaty, nor until after the conclusion of peace in these countries, the Governor-general finding in the late conduct of the Ameers "no reason to grant them such a boon." The article binding the English not to make a treaty affecting Sind without the concurrence of the Ameers was rejected, as inconsistent with our relative positions of paramount and subordinate powers. The troops which the Ameers were bound to furnish were to be employed beyond their own frontier, if necessary, and when beyond it to be paid by the English government. The new treaty was apparently re-

garded by the Governor-general as highly beneficial to the Ameers. After alluding to the completeness of the present engagement and the signal advantages conferred by it on the Ameers, the instruction to Colonel Pottinger proceeds:—

“This treaty should be regarded by the Ameers as a great charter, obtained from the good-will of the paramount power in India, for the future security of their independence and of their possessions, which they will henceforth hold on condition of their fidelity and adherence to their present engagement, by virtue of a deed granted to them by the head of the British government in India.”

x The Ameers had at this time paid up half of the tribute demanded for Shah Shoojah, which seems in effect to have been paying for their own transfer from subjection to that power to the Indian government. In discussing the points of the new treaty which we have detailed above, they objected to the number of troops which were to remain in Sind, and to their stations not being specified; wished the names of the towns, etc. belonging to each Ameer to be entered in the treaty of each, evidently from their dread of our seizing some which were not named; and resisted the moving of their auxiliary Sindian troops beyond the frontier, a point which was subsequently given up to them, with an assurance that their troops would most probably never be called upon at all.

The new treaty which was tendered to the Sindian chiefs about the 1st of April was not accepted by them till the 15th July, and even then the acceptance was caused by our successes at Ghuzni and Caubool and the expected return of our troops, and was hastened by the determination of Sobdar Khan to accept it and the unwillingness of the others to be left behind; they accepted it however with a request that the points above noticed and that of Karachee might be favourably considered by the Governor-general. This proceeding was a clear proof that they were even less satisfied with this treaty than with the first. The result of this request was, that Karachee, which had been the cause of the first treaty being rejected, was permitted to remain in their possession, but they were required to establish a tariff for the port at a fair and moderate rate, and to permit public stores to pass free; a condition which they gladly embraced, as up to this time (September) they had expected to lose it entirely, and even



Sobdar Khan himself, who had proved himself invariably our friend, and was possessed of a share of the port revenues, had expected to bear his share of loss. A sufficient assurance was given about the non-employment of the Sindian auxiliaries and the impossibility of writing the name of each place belonging to them; and some other points, which have no effect on the subsequent proceedings, were settled. It must be borne in mind, if we wish to appreciate the feelings with which the Ameers must have regarded these transactions, that the acts done regarding Karachee, as far as they were known to them, were, our taking it without sufficient cause; the Governor-general's declaration that he would keep it; the consequent endeavour of Colonel Pottinger (p. 226), whatever might be his own sentiments, to impress on them the fact that it had become a British possession; the injury, entirely undeserved by him, which was thus suffered by our friend Sobdar Khan, and finally, after some months' delay, our allowing them to retain it as their own: they may also have known that the articles regarding Karachee, being inapplicable to the circumstances which existed after its capture, caused the rejection of the first treaty and the embracing of that opportunity to enforce more severe terms; but that the discovery of the error as to the resistance at that place did not replace things in *statu quo* and confirm the first treaty. In February 1840 Colonel Pottinger, who had conducted these difficult negotiations with singular temper and judgement, was succeeded by Major Outram. Then and for some time after, little occurred in Sind which is worthy of notice. In the course of the year, a dispute about the possession of some land took place between the Hyderabad and Meerpore chiefs, and led to the conclusion of a treaty resembling those of his brethren with the latter chief, with whom no such agreement previously existed. At the end of the year, the detection of some frauds and other misconduct on the part of the native agent of the Resident led to the discovery of his having got possession of some documents concerning the intrigues of the Ameers, which he used to extort money, and Major Outram took the opportunity to give them an amnesty for all past offences of that nature. This, which was on the 1st of January 1841, is a date—a resting-place at

which we may for a moment pause, and view the position of affairs. In Upper Sind, the British resident was engaged in mediating in a dispute about land between two of the Ameers, and in endeavouring without success to extract from the sons of the late Mobaruck Khan the seven lacs of rupees which that Ameer had been directed to pay to Shah Shoojah. In Lower Sind, Noor Mahomed, who had been the chief Ameer, until the new treaty made all equal, was just dead, and his brother, Nusseer Khan, the most intriguing of the family, aspired to the chiefship. A difference of opinion had existed in the preceding year as to the right of the Ameers by treaty to levy tolls on the river Indus on their own subjects, which had been decided against them by the Governor-general; we shall have occasion shortly to notice the repeated and determined infractions of the treaty, in levying tolls on all merchants, foreign and native, which shortly preceded their downfall. The treaty with the Meerpore Ameer was in progress and was soon after concluded. But the great feature which is to be observed is, that the Government of India had now obtained by treaty certain definite rights and authority over that of Sind, the non-fulfilment of which by the latter would justify the paramount power in taking the necessary measures to enforce them. During 1841, there was not much of interest in the communications which took place with the Ameers; early in the year difficulty was experienced in realizing the tribute or subsidy, which they were bound to pay; and the commutation of the money-tribute for territory was proposed by Lord Auckland. This had been discussed in 1839, and on opening the subject to the Ameers, Nusseer Khan offered on certain conditions to make the exchange; the negotiations regarding the receiving the town and dependencies of Shikarpore in lieu of tribute continued through the year, and were nearly brought to a conclusion, when the outbreak of Caubool took place, and it is probable that a hope of getting rid of tribute and of cession together arose from the news of the fatal retreat to Jellalabad. Very soon after the intelligence of it was received, Nusseer Khan showed a decided wish to retain Shikarpore. At the same time the labourers who were working under a British officer on the canal at Shikarpore, were induced to leave their work, by various oppressions practised on their



families and themselves; and intrigues were ascertained to have been entered into with parties in the Punjab. On the 22nd of February Major Outram reports to the Governor-general that "Nusseer Khan's intrigues have been so extensive of late, that he must see he has committed himself beyond the hope of concealment."

It was at this period that Lord Auckland resigned the government of India into the hands of Lord Ellenborough; and from the tenor of the first communication (May 6, 1842) made by the new Governor-general to the Ameers, we may infer, though there is a gap in the correspondence, that further intimations had been received of the intrigues which were in progress. The letter declares—

"the Governor-general's fixed determination to punish the first chief who may prove faithless by the confiscation of his dominions; but there must be clear proof of such faithlessness, and it must not be provoked by the conduct of British agents, producing apprehensions in the mind of any chief, that the British government entertains designs inconsistent with his interest and honour."

This letter, however, for sufficient reasons assigned, Major Outram did not deliver.

From about the time of Lord Ellenborough's arrival, a fresh chapter in the affairs of Sindh commences. It had, in fact, opened with the destruction of the Caubool force. It contains the intrigues to which the Ameers were excited by the supposed downfall of our power, the consequent policy of the Governor-general, and the conquest of Sindh, which was the result of these causes.

Much and very general doubt has been entertained as to the justice of the war which rendered Sindh a British province, chiefly, perhaps, owing to the existence of the treaty being unknown to the greater number of the persons who took up that opinion. It has been supposed to have been a sudden and, we believe we may say, an unprovoked attack; and we have therefore been the more struck with the many passages in the correspondence which declare that we had, long before the battle of Meeanee, sufficient cause for taking measures for securing still more firmly our position in Sindh, even if by doing so war should ensue. The following quotations at least prove that the idea of aggression was not taken

up in haste, nor, in justice to Lord Ellenborough, be it said, + did it originate with him; whether the battle of Meeanee was fought with sufficient cause or not, is another question, which we shall have an opportunity of judging.

Major Outram writes to the Governor-general on May 8, 1842,—

"I shall have it in my power shortly, I believe, to expose the hostile intrigues of the Ameers to such an extent as may be deemed by his lordship sufficient to authorize the dictation of his own terms to the chiefs of Sind, and to call for such measures as he deems necessary to place British power on a secure footing in these countries."—*Parl. Papers*, p. 316.

On the 23rd of May, 1842, he writes,—

"There is, I consider, sufficient to convict Meer Nusseer Khan of Hyderabad, and his namesake of Khyrpore, whenever it may please his lordship to take notice of their inimical proceedings."—*Page* 319.

In a minute by Sir George Arthur, Governor of Bombay, dated the 2nd of September, we find,—

"There can be no doubt that most of the Ameers of Upper and Lower Sind have for some time past been engaged in intrigues against us: \* \* \* \* \* measures should be adopted, either to prevent the Ameers from proceeding to extremities, or to punish them, should such be deemed necessary for what they have already done."

From February 1842, we find the correspondence from Sind to consist of little else but reports of intrigues with various neighbouring countries, Beloochistan, the Punjab, Beila, etc.

In May the chief of Beila declares that he is most unwilling to act against the English, but he must do so, or be ruined: letters are occasionally intercepted from the Ameers, which are concealed with great care on the messenger's person, and which refer to the expulsion of the English; and every quarter furnishes some corroborating evidence that the leading Ameers are earnest in conspiring to imitate the example of the Affghans. A prisoner, who had great influence with the wild tribes on the north-west of Sind, made his escape by the aid of the minister of the chief Khyrpore Ameer, but was captured again just in time to prevent an outbreak of his adherents. Facts such as these, of which it is difficult to procure judicial evidence, fill the correspondence. Evidence, such as would satisfy a jury, is indeed unattainable in such



cases; but we feel convinced of the truth of most of the allegations, and in political affairs it is necessary to act on such convictions. Confidants of the Ameers and great men about their courts, chiefs of tribes, private individuals, British officers, in all parts of the country, give their quota of information as to the existence of intrigues for the destruction of the British ascendancy, and it is impossible to resist the accumulation of evidence thus obtained. The Ameers themselves, however, were not behind-hand in adding proofs peculiarly their own of the ill-will which animated them. In August Nusseer Khan issued an order directing that boats loaded with grain should not be permitted to pass down the river, or to sell on the frontier, in consequence of the cheapness of that article. This was a direct infraction of the treaty as interpreted by Lord Auckland, and acted on ever since his decision. Soon after, the same chief directed the imprisonment and confiscation of the property of all Sindians who had built houses or shops in the British camp bazaar at Karachee, or who even traded with it. Such an act, executed without any previous communication to the resident, could be construed as nothing less than one of hostility, and as showing a desire to starve the British force by cutting off its supplies. It confirmed fully, if any confirmation was wanting, all the intelligence that had been received of the hostile disposition of the Ameer. In the end of September, Nao Mull, the native agent of the English at Karachee, was ordered by this chief to be apprehended and brought to Hyderabad, in order to compel him to pay up as arrears the duty on goods which he had imported into the camp free of duty, under the arrangement which had been formerly made by the Ameers for that purpose. A remonstrance which Sir C. Napier made on his way to take the command of the troops at Sukkur, addressed to the Ameers in September, does not seem to have received any answer, except from Meer Sobdar Khan, who immediately complied with his requests.

Lord Ellenborough's letter to the Ameers on his first arrival in Sind, and its non-delivery, have been already mentioned. In May he informed Major Outram of the general objects, which in case of any opportunity occurring for attaining them, he proposed to keep in view in his intercourse

with Sind; objects which it might take much time to accomplish, but which were to be always borne in mind.

+ These objects were, the continued occupation of the island of Bukkur and of the town of Sukkur, the latter as a *tête-de-pont* on the right bank of the Indus, and enabling our troops to operate on both banks of the river; the exchange of tribute for territory, whenever practicable, in order to get rid of the continual and irritating dunning for money which the former condition necessitates on the part of the paramount power; and the abolition of all internal duties throughout India, with the establishment of a commercial union on principles similar to that of Prussia.

Early in June, after receiving intimation of the hostile intrigues of the Ameers, he called for information on the subject of the territories of one of the offenders adjoining the frontier, and whether they were in such a position as to permit of the transfer of a portion to our faithful ally, the Nawab of Bahawulpore. In the end of August, in placing the military command and the direction of the political connexion with Sind in the hands of Sir C. Napier, he declares that—

{ “If the Ameers, or any one of them, should act hostilely, or evince hostile designs against our army, it is my fixed resolution never to forgive the breach of faith, and to exact a penalty which should be a warning to every chief in India.”—Page 352.

{ In the end of October, when there was reason to suppose that the conduct of Nusseer Khan in breaking the treaty would necessitate compulsory measures, he gave instructions to Sir C. Napier regarding the locality of any territory which, on such a contingency, he would deprive him of, as a warning; and declared that if it became necessary to commence military operations, the whole of that chief's possessions should be seized, and a distribution made of it to such chiefs as were faithful to their engagements. He objected to Shikarpore being possessed by the English, both on account of its climate, and because he “wished to have nothing whatever “to do with the right bank of the Indus, except so far as it “may be necessary in order to protect the navigation of the “river.”

In order to afford full means of judging of their imputed delinquencies, a list of cases was sent to the Governor-gene-



ral, showing the various breaches of treaty which the Ameers had committed. Those against the chiefs of Khyrpore were, addressing a letter of a treasonable nature to the Seik Rajah while the Caubool outbreak was in progress; placing the servant of a British officer in the stocks, seizing and confining British subjects and making no reparation, exacting duties on the river from British property; and, against the minister of one of the Ameers, compassing the escape of a state prisoner.

The charges against the Hyderabad Ameers were more numerous, and we have not space to detail them. Besides what we have before mentioned, the stoppage of traffic on the river, by exacting duties on Sindian and foreign goods in transit upon it, and opening a treasonable correspondence with the chief of a hill tribe and with the Punjab, were the chief allegations. The former had been so pertinaciously persisted in, that few of the foreign merchants dared now to send any goods by the river.

Lord Ellenborough's decision was, that if the truth of the treasonable correspondence and acts was complete, there were grounds, without anything more, for the dictation of such additional terms as should completely secure the protection of trade and the military command of the river; and beyond what was requisite for securing these, he wished for no fresh acquisitions of territory. The following terms were the basis of the new arrangement:—the Ameers to discontinue coining, which the Governor-general engaged to execute, and to place on one side of the coin such device as they might prefer; leave to be given to fell wood for the steamers within one hundred yards of both banks of the Indus; the money-tribute to be exchanged for an equivalent cession of land, part of which in certain prescribed localities was to belong to the English, part, yielding half a lac per annum, to Sobdar Khan; certain lands to be given to the Nawab of Bahawulpore; and all claim on the Ameers on account of tribute to Shah Shoojah, or to itself, to be renounced by the British government.

The intercepted treasonable correspondence was, after much inquiry, declared to be authentic; and Sir C. Napier determined to present the new demands, which was done at both capitals on the 6th of December. The Belooch troops had

been collecting during November. The position of affairs at Khyrpore was now as follows :—Ali Moorad was friendly to the English, and hoped by means of their alliance to become chief Ameer on the death of Meer Roostum, or perhaps in supercession of him during his lifetime ; the younger Ameers were hostile, and endeavoured to excite Meer Roostum to act against the English, while the old chief himself was too weak to follow any decided plan. At length, on the 20th of December, the determined conduct of Sir C. Napier and the unwillingness of Meer Roostum to resist, induced the younger Ameers to fly from Khyrpore and take refuge in the forts in the desert. Meer Roostum sent a message to Sir C. Napier, saying that he would make his escape from his own people to the British camp ; but the General, thinking that this would embarrass himself, suggested his taking refuge with Ali Moorad ; a false step, the probable results of which were unknown to Sir C. Napier, who was not versed in Asiatic intrigue. It did not, however, in any degree compromise the honour or fair dealing of the English general ; and if any evil effect arose from it, it was attributable solely to the intrigues of the aspirant for power. In the first instance it was altogether beneficial. Meer Roostum agreed to the treaty and took refuge with Ali Moorad, the candidate for the succession to his chiefship and the competitor even for that office. He staid with him a week, and during that time resigned into his hands, in the most formal manner, before an assembly of all the religious people of the place, the office which was the object of Ali Moorad's ambition. The resignation was written in a Koran and sent to Sir C. Napier, whose answer only was, that he would not interfere. He conjectured indeed at the time, that some unfair means had been used to induce Meer Roostum's resignation ; and that chief at the last interview with Major Outram, before the battle of Meeanee, declared that he had been placed in restraint, his seal made use of and himself compelled to do what Ali Moorad thought proper. By this step, the latter became chief Ameer of Upper Sind. On the 28th of December, Meer Roostum escaped from Ali Moorad and fled to Hydrabad, having, as he afterwards asserted, been persuaded by that chief that Sir C. Napier wished to imprison him,—a fact which, if true, only



shows the old man's imbecility, both because the general had refused his offer to come to his camp, and Ali Moorad was ill-treating him and had a direct interest in causing his flight. Sir C. Napier immediately marched to Emamghur, the fort in the desert where the younger Ameers had taken refuge, found it deserted, and, with the consent of the new chief Ameer, destroyed it. The inmates had taken the road to Hyderabad, to which place Sir C. Napier, leaving Emamghur on the 16th of January last, followed them.

The closing scene of the separate existence of Sind was now at hand. The negotiations at Hyderabad, where all the Ameers were assembled, had been committed to Major Outram. He was empowered to receive their acceptance of the treaties which the Governor-general had dictated, and to settle the details of cessions of land to each other, which his local knowledge gave him great facilities for doing. On the 8th of February he had a conference with the Ameers. They denied that they had infringed any treaty, declared that the treasonable letters had not been written by them and demanded that they should be produced. These were points which Major Outram was not empowered to discuss; but as the defence is at least plausible, we must observe that, had those letters been single instances of intrigue, it might have been a question if they formed sufficient grounds for the demands now raised upon them; viewed collectively with numerous other intrigues, they were fully enough. It would have been a more open proceeding to have produced the letters and brought forward the evidence, but in the end it could have had no result, except in bearing the appearance of justice more evidently; for the Ameers would still have denied, and the British general, acting on strong proofs, would have still insisted on the terms which he imposed. It would also have been impossible to explain to them the modes in which each was acquired, and the secret aid and information which their own subjects had given against them. We must therefore be satisfied if we see no indications of an eagerness to convict them. Their denial of the charges was abandoned early in the conference, and they professed their readiness to sign the treaties, on one condition, the restoration of Meer Roostum to his chiefship. It was on this occasion that this chief declared that it

was under compulsion he had resigned the office ; but this point Major Outram had no power to promise. On the 9th of February the five Ameers of Hyderabad signed by deputy a pledge to accept the new treaty. On the 12th another conference took place and the Ameers were requested to seal the engagement themselves. The same difficulty was still made regarding the restoration of Meer Roostum.

" A long discussion then ensued between the Ameers and Major Outram regarding Meer Roostum's affairs, \* \* \* they insisting that Major Outram had full authority to investigate the case, according to the letter they had received from the General, informing them that he had been deputed to settle all affairs, and Major Outram repeating that his instructions only referred to the draft treaties formerly submitted from the Governor-general, after accepting which he had merely to arrange the details between the several Ameers. Major Outram said, however, ' that he would be happy to receive and forward to the General any representation Meer Roostum wished to make on the subject, and that he was confident Sir C. Napier would strictly inquire into the truth or otherwise of all he (Meer Roostum) had to allege.' The Ameers then endeavoured to induce Major Outram to declare, that in the event of Meer Roostum proving everything he had advanced, his chiefship and what had been made over from the Upper Sind Ameers to Ali Moorad would be restored. Major Outram replied, ' that it was not in his power to say what would be done, but doubtless every investigation would be made ; and if what Meer Roostum had advanced was fully proved, he trusted that the Meer's claims, at least to the property, would be made good, but that he did not see how Meer Roostum could disprove his own letter, making over the Rais (chiefship) to Ali Moorad.' The Ameers said, ' Meer Roostum could and would prove all that he had asserted with regard to his having been confined by Ali Moorad ; having, when in confinement, had his seal forcibly taken from him ; having been induced to fly by Ali Moorad when the General was coming to Dejee Kote,' etc. etc. Major Outram said, ' that this case rested with the General, and he hoped that Sir C. Napier would soon come here himself, when he (Major Outram) trusted that it would be fully inquired into.'—*Page 505.*

Notwithstanding this unsatisfactory answer to their request, the Ameers sealed the draft of the new treaty.

In returning from the conference Major Outram passed through a dense crowd of Belooches, who unequivocally exhibited their bad feelings. The next day a deputation from the Ameers came to Major Outram, and stated that the preceding night all the Belooch chiefs had held a meeting, and had sworn on the Koran to attack the English troops, unless



Meer Roostum was reinstated in his rights. They were told in reply that it would be at the Ameers' own risk, as the acts of their subjects would be visited on them.

"The deputies then talked a long time of the anxiety of the Ameers to dismiss the Belooches, but that as they (the Belooch Sirdars) had sworn, one and all, to uphold the rights of Meer Roostum and his brethren, they (their Highnesses) were helpless. To which I only reiterated the same reply. At last they said, 'At least give us some pledge that justice shall be done, by which the Ameers may endeavour to allay the excitement of the people and persuade them to disperse: we fear it will be impossible, but their Highnesses will try once more, if you will authorize them to hold out hopes of the ultimate restoration of their lands which have been made over to Ali Moorad.'"—Page 506.

The same answer was given and the same requests urged again and again with the same results. At length the deputies retired, declaring "they had no hope of allaying the excitement of the Belooches, unless some more positive assurance was given, but that if any reply was to be given they would bring it that night; otherwise, that I was to consider that their masters could do nothing further."

On the morning of the 15th the residence of Major Outram was attacked, and after a gallant defence by his escort, the party made good their embarkation on the steamer. On the 17th the battle of Meeanee took place and six of the Ameers gave themselves up as prisoners on the field of battle. The rest is well known.

It is evident that had Major Outram had full powers, or had he received instructions regarding the answer to be given respecting the reinstatement of Meer Roostum, the attack on his residence would never have taken place. At the same time, judging by the strict letter of treaties which had separated the states of Hyderabad and Khyrpore and the subordinate position which they held towards the Governor-general, there was nothing to justify the attack on the part of the Hyderabad Ameers. They had been informed that any attack would be signally punished and they have suffered only what was promised. To what cause it was owing that Major Outram did not receive any instructions regarding the answer he should give to the request in favour of Meer Roostum, we have no distinct information, but we presume it to have arisen from the distance, at which Sir C. Napier still was, prevent-

ing a reply arriving in time. Perhaps had the attack been delayed a few hours an answer might have arrived, which would have conveyed the desired assurance, for there was no conceivable reason why injustice, if anything approaching to it had been committed towards Meer Roostum by Ali Moorad, should be persevered in. We may draw one conclusion from these circumstances;—that it is essential that a negotiator in such cases should have full powers, and that peace or war should depend on his fiat, not on that of a person at a distance. We have little doubt that had the negotiations on the passage of the army in 1839 been placed in the hands of Sir John Keane, having Colonel Pottinger with very restricted powers as a negotiator, war would then have been the result. In the present instance, the commencement of hostilities was entirely owing to Major Outram being unable to give an answer on one point, and that one of no importance to British honour or security;—the question whether, if certain trickery had been committed and certain falsehoods been used regarding the intentions of the British general, he would, on full proof, reverse the effect of that trickery and those falsehoods.

Let us place ourselves in what we may suppose to have been the position of the Ameers. A treaty was dictated to them in consequence of intrigues of which they knew themselves to be guilty; it was not to be expected that they would acknowledge their guilt, but they made on that head no determined resistance, they practically acknowledged it and accepted the treaty with only one reserved condition. One of their number,—for such, however separated by treaties, they could not fail to consider him,—the oldest and most harmless, had offered to throw himself on the protection of the British general, who advised him to take refuge with his brother. This brother, an aspiring and ambitious chief, immediately took advantage of the power he had thus obtained over his person to compel a surrender of the office he coveted, to take possession of his seal and affix it—in other words his signature—to an extorted resignation. Fearing a meeting between Sir C. Napier and his injured brother, he then persuaded the latter that he was to be imprisoned, and induced him to fly to Hydrabad. To repeated applications for a pro-



mise that, if proof was given of this unfair dealing, he should be restored to his rights, no answer was given, beyond holding out a hope that justice would be done. We believe firmly, that if it had been made a condition of the new treaty that Meer Roostum should resign the chiefship to Ali Moorad, he would have consented to it: the Governor-general had acquired rights over them, and they bowed to his dictation; but the trickery that had been practised by an unpopular chief stirred the minds of the Belooch soldiery, who, always unmanageable, wished, like true Moslems, to vent their rage on the nearest and weakest enemy they could find. It was either in a burst of ungovernable rage, or, less probably, from a desire to clear their rear of an enemy, while the army was advancing on their front, that the attack on Major Outram took place, and when once committed, the Ameers had no resource but to oppose the advancing army, and to suffer the known penalties of defeat.

A brief indication of the debateable points which occur in the negotiations we have recorded is all that we can afford. The first in point of time is, the enactment of a composition for tribute due to Shah Shoojah, after a cessation of payment for thirty-three years. The making use of the existence of the lien which Shah Shoojah had over them to reconcile the Ameers to the demands which were necessary for the security of the army in advance, and to the passage of military stores by the Indus, was an obvious measure; but in point of expediency alone, it may be doubted, without any reference to the justice of the exaction, whether this particular condition—the forced payment of so considerable a sum—was a wise one. The practical assertion of supremacy was long out of date; and men's minds, even in Asia, are with difficulty made to conform to the procrustean measure of so obsolete an idea. It was the supremacy of Shah Shoojah which caused the greatest disgust at Kelat; and the reason is obvious: he was a mere puppet king, and they were called on to submit to the puppet. They would have borne much more easily the direct yoke of England; there was no disgrace in submitting to so gigantic a power; but by deputy it was intolerable.

Another point which offers subject of remark, is that of the

treaties of 1839. The treaty of the 1st of February was rejected, because the clauses regarding Karachee were inapplicable. Karachee was supposed to have resisted, was taken by a British force, and became thus the cause of a new treaty being imposed; but when it was found that Karachee had not resisted, the former treaty, which was rejected on that very ground, was not reverted to.

It is almost needless to remark, that if there is anything which perpetuates the sense of injury in the breast of the weaker party, it is the assuring him that he has been greatly benefited by the blow he has received. Language of this nature seemed to have been liberally employed in the earlier part of the negotiations, where the exaction of Shah Shoojah's tribute is always declared to be a boon which the Ameers ought to value most highly. The second treaty was of a similar nature; and their acceptance of both these boons was extorted by fear.

Under the government of Lord Ellenborough which followed, the exaction of terms from the Ameers, on grounds which, however clearly proved, were not made known to them, has been already noticed, as well as the immediate cause of the violent measures of the Ameers or their followers, viz. the absence of any instruction to Major Outram regarding the course which would be pursued towards Meer Roostum, in case his complaints were found to be well-founded. The remote cause of the last difficulty is one which would surprise any person not well acquainted with our Indian possessions. It is there still a debated point, whether the general of an army which is prepared for service, or some distinct person, such as in Europe would belong to the diplomatic service and be under the orders of the foreign office, is the most fit person to carry on the negotiations which precede a declaration of war, or the peaceful settlement of a difficult question. No one can doubt that, if the general is at all capable of conducting them, the negotiations during military operations are much better in his hands than in those of any other person; no one else knows so well the relative strength of his own and his enemy's position and prospects. But is it equally certain, that previous to war being declared, he is the fittest? If it is so, the diplomacy of Europe should be placed under the head of the



army. How many more wars would result from that arrangement, and from the practical operation on a large scale of Nelson's maxim, "When in doubt, fight," we have not leisure to inquire. One thing we may safely state, that if the actual negotiator had been a plenipotentiary instead of having only received very limited powers, and had given a favourable answer to the question regarding Meer Roostum, no battle would have taken place. That it was not so, cannot be said to be the fault of any person. Sir C. Napier had endeavoured in vain to induce the Ameers to send deputies to his camp, which they neglected to do. He was the general as well as the plenipotentiary, and his place was with his own force. He gave to his deputy, Major Outram, such instructions as the occasion seemed to require, which were comprised in an *ultimatum*. It could not be anticipated that this was to be the point on which the negotiations would depend, and the less so, as the Ameers had distinctly debarred themselves by treaty from any political interference with Khyrpore, and had no more right, strictly speaking, to urge on the Governor-general a special line of policy towards the Ameers of Khyrpore, than towards the King of Oude or any other tributary state in India. Major Outram himself was unable to give any more decided answer than he did, and Lord Ellenborough had no concern in the matter, which had passed at too great a distance from him for any interference on his part towards influencing the result.

+ We cannot be surprised that the Ameers, or their rude followers the Belooches, thought more, in the moment of emergency, of the ties of blood and ancient friendship than of the article of treaty which separated the states of Hyderabad and Khyrpore; but if this forms an excuse for their conduct, it does not offer a reason such as would induce the Indian government to overlook it entirely. They embraced measures which led to one of the hardest-fought battles recorded in Indian history, and after that event no course was open to the Governor-general but the assertion of the general principle which he had before broadly laid down, that the rebellion of a tributary chief should be followed by chastisement which should be a warning to every prince in India. Had the Ameers of Sind been the only princes in question, there might have

been room for consideration; but it would be unwise to introduce into India the practice of such lenity towards revolted princes as would be shown by continuing them in their former power, after a rebellion which was caused in the first instance by their own treasonable practices, and which gave rise to such a battle as that of Meeanee. At a future time there will be no difficulty in providing for such of them as were in arms against Sir C. Napier, should there be any who merit a provision.

But there were others who did not appear in arms:—

“The Ameers, Meer Mahomed and Meer Sobdar, who were not in action, but whose followers were present, were afterwards included in the general treatment, and became prisoners of war, though they claimed protection as having refused to act personally.”—*Personal Observations on Sindh*, p. 334.

This is all the information we have of the causes which have placed Meer Sobdar in the same captivity as the Ameers who appeared against us in the field. There may be other and sufficient reasons with which we are unacquainted; but if there are not, we have no hesitation in saying that he has been too harshly treated.

If the army of one state commences hostilities against another, the latter is justified in holding the chief of the offending state responsible for the aggression. It is hardly necessary to enter upon a laboured investigation of the private wishes of that chief, and whether he was equally with his army eager to commit an act of aggression. It is still less necessary to do so, when, as in the case of the Ameers, tributary chiefs have entered into treasonable intrigues against the paramount state, and have collected their whole force for the purpose of resisting its army, and the result is an attack on its envoy and a hard-fought battle. It is too late to say that they were themselves unwilling agents and that their troops were to blame. The leading facts against them are too strong. They had shown in their intrigue the strongest intention of injuring the British government. They assembled their troops, surely with no friendly intentions, and they appeared on the field of battle in command of them. Their subsequent hostilities were only a carrying out of their original intentions. For these acts they have suffered: if



they or their friends now declare that they were guiltless of all hostile intent, and that the Belooches alone were the cause of the attack on Major Outram, the Ameers may complain of their bad fortune, but not of the injustice of their fate. It is only that the ancient method has been reversed—*Delirant Achivi, plectuntur reges*.

But the case of Sobdar Khan, if we accept the statement of Captain Postans, is different. From the beginning of the negotiations in 1836, this chief had invariably been the friend and partisan of the English. Whatever wish was expressed, whatever demand was made or treaty dictated, Sobdar Khan unhesitatingly acceded to it. To his unbending resolution it was due (Papers, p. 206) that the other Ameers accepted the revised treaty which Lord Auckland required of them. His conduct was consistent throughout, and the first act of hostility which we find imputed to him was the presence of his followers at the battle of Meeanee. How this occurred we do not learn. It was perhaps absolutely necessary for his own safety, that when the other Ameers collected their troops, he should assemble his. That the feelings which animated the rest should extend also to his followers, whatever were the wishes of their chief, need not surprise us. We are willing even to admit that, according to the strict letter of the law, he was liable to the treatment he has received, in consequence of their conduct; but where the province of justice ends, that of mercy, let us add also, of good policy, commences. There is little of the latter in confounding the constant coadjutor with the ever-intriguing, though vacillating enemy; in making it public to all the princes and allies, whether firm or wavering, who watch the conduct of our Indian government, that unvarying friendship is no defence in the day when their dependents, even without their consent, rebel against the English. This, however, is purely hypothetical, for we have no sure grounds for believing that he was guilty of no offence himself. Personally he was of little consequence: a man of no character, acting with the English on account of his hostility to the other Ameers, he would, doubtless, like other Mahomedan princes have readily acted against them if it suited his private feelings. It is vain, however, to judge in England of what future course

of policy should be pursued in isolated cases in India. It is enough if public opinion condemn injustice, and test acts which have already been done by the one great principle of justice. It is this principle which is the foundation-stone of our empire over so many nations which have for centuries been accustomed to the arbitrary rule of capricious and unprincipled sovereigns, and which, divided as they are into innumerable castes and sects, can have no hope of justice for the majority except from their British rulers.

The immediate advantages which the possession of Sind will bring with it are balanced by some disadvantages. The entire command of the Indus can scarcely be too highly valued, notwithstanding all the difficulties and obstructions which are met with in its navigation. This river is navigable, with varying facility, for 950 miles from the sea. It receives the drain of a vast tract of country; the south side of the Himalaya, which abuts on the Punjab, the north side, and the plains of Tartary as far as the sources of the Oxus and the streams which run into the China seas, as well as the southern part of Afghanistan, contribute to the Indus. At its lowest compass it is nearly twice as large as the Ganges, and discharges 40,857 cubic feet of water in a second; at its maximum more than ten times that quantity. It has also the advantage of the early melting of the snows of Tartary and the Himalaya, which swell its waters at a season when the Ganges is still low. Nine hundred miles from the sea it is 186 feet deep, but the usual depth is four fathoms, and even this cannot be relied on. The soundings are continually changing from the shifting of sand-banks, which have even been known, though rarely, to make a fordable passage across the whole stream. In such a case the trading boats anchor and wait till the force of the current shall have formed a small channel in some part of the bar. This once effected,—and the sands have so little consistency that it seldom takes a long time,—the dissolution of the greater part proceeds rapidly till the whole is carried off to form other banks lower down. Under such difficulties the navigation must always labour, as well as from the force of the stream in the upward voyage; but it has hitherto been depressed in other respects.

Most important perhaps of all, next to the river-toll and



irregular exactions which were levied under the Ameers, and are now put an end to, was the virtual impossibility of procuring timber fit to build good boats. In the lower half of the Indus, the usual boat is one of seventy-five tons burthen; this large craft was built of the miserable unseasoned wood which grows on the banks, and in one keel planks of every variety of species and size might be observed. The best material, the teak of western India, was prohibited to the humble boatmen of the Indus by its dearness; but the opening of the river, the removal of transit-duty and the commercial activity which may be expected, will remove this and many other inconveniences. The greatest immediate benefit will accrue to the Punjab, whose grain, cotton and indigo will find an outlet which has hitherto not practically existed to any great extent. Bombay will become an entrepôt for goods destined for the Punjab and central Asia, to a far greater amount than has hitherto been the case, as long as those countries remain at peace. But it is in a military view that the Indus is invaluable. The command of it by a steam flotilla, and the position on the flank of an invader marching to Delhi which would be held by an army in Sind, are ample securities against the latter contingency ever occurring. These advantages have never been possessed by any former rulers of India, and, in the event of an invasion, would cause it to terminate in a very different manner from those which have hitherto taken place. The chief disadvantage of possessing Sind is, that it attaches us permanently to the new system of intimate foreign relations which had been created by the Affghan war. It will at the same time extend our influence through central Asia and anticipate the plans imputed to Russia, but it is as yet very doubtful if the increase of influence will counterbalance the liability to war and other interference, which the permanence of our new connexion may entail. The rich plains of Cutch Gundâva, which are possessed by the tribes of Beloochistan, are so easily commanded by troops stationed in Sind, that our influence over that principality can, by able management, be peaceably and securely retained; but the hill tribes on the northern frontiers know by experience that, aided by their mountains, they can repel a British force. The neighbouring parts of Sind lie open to their bands of plunderers, to whom their fastnesses afford a

secure refuge. We may thus become engaged in constant petty hostilities, a Caucasus on a small scale, if offensive operations are attempted; but a strong mounted police and activity in the pursuit and punishment of marauders, will probably suffice to repress the evil.

The general effect of the possession of Sinde on our foreign relations is, that from being almost exclusively an Indian power, England becomes, equally with Russia, an Asiatic power, with greater military means than Russia of pouring troops into central Asia for aggressive operations, and, for defensive measures, with a frontier so constructed as to render one false step fatal to an invading army. We trust that time will render neither necessary.

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#### ARTICLE VII.

1. *Six Lectures on Heroes and Hero Worship.* By THOMAS CARLYLE. London: Fraser, 1841.
2. *Sartor Resartus: in Three Books.* By THOMAS CARLYLE. London: Fraser, 1841.
3. *Past and Present.* By THOMAS CARLYLE. London: Chapman and Hall, 1843.

WE gladly take the opportunity offered by the publication of a new work by Mr. Carlyle, to express our opinion of this remarkable writer. We say, our opinion of the writer,—of his genius and tendencies, rather than of his books,—of the idea which inspires him, rather than of the form with which he chooses to invest it. The latter in truth is of far less importance than the former. In this period of transition from doubt to aspiration, this “sick and out-of-joint” time, old ideas die away, or weigh upon the heart like midnight dreams: young ones spring up to view, bright-coloured and fresh with hope, but vague and incomplete, like the dreams of the morning. We stand wavering between a past whose life is extinct, and a future whose life has not yet begun; one while discouraged, at another animated by glorious presentiments, looking through the clouds for some star to



guide us. One and all, like Herder, we demand of the instinct of our conscience, a great religious thought which may rescue us from doubt, a social faith which may save us from anarchy, a moral inspiration which may embody that faith in action and keep us from idle contemplation. We ask this especially of those men, in whom the unuttered sentiments and aspirations of the multitudes are concentrated and harmonized with the highest intuition of individual conscience. Their mission changes with the times. There are periods of a calm and normal activity, when the thinker is like the pure and serene star which illumines and sanctifies with its halo of light that *which is*. There are other times, when genius must move devotedly onward before us, like the pillar of fire in the desert, and fathom for us the depths of that *which shall be*. Such are our times: we cannot at the present day merely amuse ourselves with being *artists*, playing with sounds or forms, tickling only our senses, instead of pondering some germ of thought which may save us. We are scarcely disposed, living in the nineteenth century, to act like that people mentioned by Herodotus, who beguiled eighteen years of famine by playing with dice and tennis-balls.

The writer with whom we have now to deal, by the nature of his labours and the direction of his genius, authorizes the examination we propose to make. He is melancholy and grave: he early felt the evil which is now preying upon the world, and from the outset of his career he proclaimed it loudly and courageously.

"Call ye that a society," he exclaims, in one of his first publications, "where there is no longer any social idea extant, not so much as the idea of a common home, but only of a common over-crowded lodging-house? where each, isolated, regardless of his neighbour, turned against his neighbour, clutches what he can get, and cries '*Mine!*' and calls it Peace, because in the cut-purse and cut-throat scramble, no steel knives, but only a far cunninger sort can be employed—where friendship, communion, has become an incredible tradition, and your holiest sacramental supper is a smoking tavern dinner, with cook for evangelist? where your priest has no tongue but for plate-licking, and your high guides and governors cannot guide; but on all hands hear it passionately proclaimed, *Laissez-faire!* Leave us alone of your guidance—such light is darker than darkness—eat your wages, and sleep\*."

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\* Sartor Resartus, Book iii. chap. 6.

Mr. Carlyle, in writing these lines, was conscious that he engaged himself to seek a remedy for the evil, nor has he shrunk from the task. All that he has since written bears more and more evidently the stamp of a high purpose. In his 'Chartism' he attempted to grapple with the social question; in all his writings, whatever be their subject, he has touched upon it in some one of its aspects. Art is to him but as a means. In his vocation as a writer he fills the tribune of an apostle, and it is here that we must judge him.

There is a multitude around him; and this is the first fact to establish, for it speaks both in favour of the writer and of the public whom he has won over. Since the day when, alone and uncomprehended, he penned the words which we have quoted, Teufelsdröck has made proselytes. The "mad hopes," expressed, with an allowable consciousness of the power which stirred within him, in the last chapter of 'Sartor Resartus,' have been largely realized. The philosophy of clothes—thanks to the good and bad conduct of the two Dandiacal and Drudge sects—has made some progress. Signs have appeared; they multiply daily on the horizon. The diameter of the two "bottomless, boiling whirlpools\*," has widened and widened, as they approach each other in a threatening manner; and many readers who commenced with a smile of pity, or scorn of the unintelligible and tiresome jargon, the insinuations, half-ironical half-wild, of the dark dreamer, now look into his pages, with the perseverance of the monks of Mount Athos, to see whether they cannot there discover the "great thought," of which they themselves begin to feel the want. They now admire as much as they once scorned,—they admire even when they cannot understand.

Be it so, for this too is good: it is good to see that the great social question, which not long ago was ridiculed, begins to exercise a kind of fascination upon the public mind; to find that even those whose own powers are not adequate to the task, acknowledge the necessity of some solution of the sphinx-like enigma which the times present. It is good to see, by a new example, that neither ignorant levity nor mate-

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\* Sartor Resartus, Book iii. chap. 10.



rialist indifference can long suppress the divine rights of intellect.

There are differences between Mr. Carlyle's manner of viewing things and ours, which we have to premise; but we will not do this without first avowing his incontestable merits,—merits which at the present day are as important as they are rare, which in him are so elevated as to command the respect and admiration even of those who rank under another standard, and the sympathy and gratitude of those who, like ourselves, are in the main upon the same side, and who differ only respecting the choice of means and the road to pursue.

Above all, we would note the sincerity of the writer. What he writes, he not only thinks, but feels. He may deceive himself,—he cannot deceive us; for what he says, even when it is not the truth, is yet *true*,—his individuality, his errors, his incomplete views of things,—realities, and not nonentities,—the truth limited, we might say, for error springing from sincerity in a high intellect is no other than such. He seeks good with conscientious zeal, not from a love of fame, not even from the gratification of the discovery; his motive is the love of his fellow-men, a deep and active feeling of duty, for he believes this to be the mission of man upon earth. He writes a book, as he would do a good action. Yet more, not only does he feel all that he writes, but he writes nearly all that he feels. Whatever is in his thoughts and has not yet been put on paper, we may be sure will sooner or later appear. He may preach the merit of “holding one's tongue;” to those, in truth, who do not agree with him, are such words addressed; but the “talent of silence” is not his: if sometimes he pretend to reverence it, it is as we may say platonically,—to prevent others speaking ill. But in minds constituted as his, compression of thought is impossible; it must expand, and every prolonged effort made to restrain it will only render the explosion the more violent. Mr. Carlyle is no homœopathist; he never administers remedies for evil in infinitesimal doses; he never pollutes the sacredness of thought by outward concessions or compromise with error. Like Luther, he hurls his inkstand at the head of the devil, under whatever form he shows himself, without looking to

the consequences; but he does it with such sincerity, such *naïveté* and good-will, that the devil himself could not be displeased at it, were the moment not critical, and every blow of the inkstand a serious thing to him. We know no English writer who has during the last ten years so vigorously attacked the half-gothic, half-pagan edifice which still imprisons the free flight of the spirit,—no one who has thrown among a public much addicted to routine and formalism, so many bold negations, so many religious and social views, novel and contrary to all existing ones,—yet no one who excites less of hostility and animadversion. There is generally so much calmness and impartiality in his attacks, so much conviction in his thoughts, so entire an absence of egotism, that we are compelled to listen to what, if uttered by any other man with anger or contempt, would excite a storm of opposition. There is never anger in the language of Mr. Carlyle; disdain he has, but without bitterness, and when it gleams across his pages, it speedily disappears under a smile of sorrow and of pity, the rainbow after a storm. He condemns, because there are things which neither heaven nor earth can justify; but his reader always feels that it is a painful duty he fulfils. When he says to a creed or to an institution, “you are rotten,—begone!” he has always some good word upon what it has achieved in the past, upon its utility, sometimes even upon its inutility. He never buries without an epitaph,—“*Valeat quantum valere potest.*” Take as an instance, above all, his ‘History of the French Revolution.’

We place in the second rank his tendencies toward the ideal,—that which we shall call, for want of a better word, his spiritualism. He is the most ardent and powerful combatant of our day in that re-action, which is slowly working against the strong materialism that for a century and a half has maintained a progressive usurpation, one while in the writings of Locke, Bolingbroke or Pope, at another in those of Smith and Bentham, and has tended, by the doctrines of self-interest and material well-being, to the enthronement of selfishness in men’s hearts. All the movement of industrial civilization, which has overflowed intellectual and moral civilization, has not deafened him. Amidst the noise of machinery, wheels and steam-engines, he has been able to distinguish the



stifled plaint of the prisoned spirit, the sigh of millions, in whose hearts the voice of God whispers at times, "*Be men!*" and the voice of society too often cries, "In the name of Production, be brutes!" and he is come, with a small number of chosen spirits, to be their interpreter. He declares that all the bustle of matter and of industry in movement does not weigh against the calm, gentle and divine whisper that speaks from the depths of a virtuous soul, even when found in the lowest grade of mere machine-tenders; that the producer, not the production, should form the chief object of social institutions; that the human soul, not the body, should be the starting-point of all our labours; since the body without the soul is but a carcase; whilst the soul, wherever it is found free and holy, is sure to mould for itself such a body as its wants and vocation require. In all his writings, in '*Sartor Resartus*,' in his '*Lectures*,' in his '*Essays*' especially, (some of which appear to us to be among the best of Mr. Carlyle's writings,) the standard of the ideal and divine is boldly unfurled. He seeks to abolish nothing, but he desires this truth to be acknowledged and proclaimed, that it is the invisible which governs the visible, the spiritual life which informs the exterior; he desires that the universe should appear, not as a vast workshop of material production (whether its tendency be to centre, as at the present day, in the hands of a few, or to spread, according to the utopian schemes of Owen or Fourier, among the whole community), but as a temple, in which man, sanctified by suffering and toil, studies the infinite in the finite, and walks on toward his object in faith and in hope, with eyes turned constantly toward heaven. Toward this heaven the thought of the writer soars continually with fervour, sometimes even with a kind of despair. It is a reflection of this heaven, the image of the sun in the dew-drop, which he seeks in terrestrial objects. He penetrates the symbol, to arrive at the idea: he seeks God through visible forms, the soul through the external manifestations of its activity. We feel that wherever he found the first suppressed, the second extinguished, nothing would be left for him but idolatry, falsehood, things to despise or to destroy. For him, as for all who have loved, suffered, and have not lost, in the selfish pursuit of material gratifications, the divine sense which makes

us men—it is a profound truth that “we live, we walk, and we are in God.” Hence his reverence for nature,—hence the universality of his sympathies, prompt to seize the poetical side in all things, —hence, above all, his notion of human life devoted to the pursuit of duty, and not to that of happiness,—“the worship of sorrow and renunciation,” such as he has given it in his chapter “The Everlasting Yea” of *Sartor Resartus*, and such as comes out in all his works. There are, no doubt, many who will term this a truism ; there are others who will call it utopian. We would however remind the first that it is not enough to stammer out the sacred words “sacrifice and duty,” and to inscribe the name of God upon the porch of the temple, in order to render the worship real and fruitful : the theory of individual well-being rules incontestably at the present day, we will not say all our political *parties* (this it does more than enough of course), but all our social *doctrines*, and attaches us all unconsciously to materialism. We would likewise remind the second, that although we have pretended for the last fifty years to organize everything with a view to the interests, that is to say the happiness, of society, we yet see before us a society harassed by ills, by misery and complaints in eighteen-twentieths of its members. Is it then just to treat the contrary practice as utopian ? In looking around us, we affirm that the spiritual view which Mr. Carlyle takes of human life is the only good, the only essentially religious one,—and one of extreme importance, here especially, where the very men who battle the most boldly for social progress are led away by degrees to neglect the development of what is highest, holiest and most imperishable in man, and to devote themselves to the pursuit of what they call the useful. There is nothing useful but the good, and that which it produces ; it is a consequence to be foreseen, not a principle to be invoked. The theory which gives to life, as its basis, a *right* to well-being, which places the object of life in the search after happiness, can only lead vulgar minds to egoism, noble and powerful minds to deception, to doubt and to despair. It may indeed destroy a given evil, but can never establish the good ; it may dissolve, but cannot reunite. Whatever names it assume, in whatever Utopia it may cradle itself, it will invariably terminate in organizing war,—



war between the governors and governed in politics, disguised under the name of a system of guarantees, of balance, or of parliamentary majorities,—war between individuals in economy under the name of free competition (*free* competition between those who have nothing and who work for their livelihood, and those who have much and seek a superfluity),—war, or moral anarchy, by effacing all social faith before the absolute independence of individual opinion. This is nearly the present state of things in the world,—a state from which we must at any cost escape. We must come to the conviction, in this as in all other cases, that there exist no rights but those which result from the fulfilment of duty; that our concernment here below is not to be happy, but to become better; that there is no other object in human life than to discover, by collective effort, and to execute, every one for himself, the law of God, without regarding individual results. Mr. Carlyle is an eloquent advocate of this doctrine, and it is this which creates his power: for there are, thank God, enow good instincts at the bottom of our hearts to make us render homage to the truth, although failing in its practice, when it finds among us a pure-minded and sincere interpreter.

We place in the third rank our author's cosmopolitan tendencies,—*humanitarian* we would say, if the word were in use; for cosmopolitism has at the present day come to indicate rather the indifference than the universality of sympathies. He well knows that there is a holy land, in which, under whatever latitude they may be born, men are brethren. He seeks among his equals in intelligence, not the Englishman, the Italian, the German, but *man*: he adores, not the god of one sect, of one period, or of one people, but God; and, as the reflex of God upon earth, the beautiful, the noble, the great, wherever he finds it: knowing well, that whence-soever it beams, 'it is, or will be, sooner or later for all. His points of view are always elevated; his horizon always extends beyond the limits of country; his criticism is never stamped with that spirit of nationalism (we will not say of nationality, a thing sacred with us all), which is only too much at work amongst us, and which retards the progress of our intellectual life by isolating it from the universal life,

derived from the millions of our brethren abroad. He has attached himself earnestly to the widest literature endued with this assimilating power, and has revealed it to us. His *Essays* on Schiller, on Goethe, on Jean Paul, on Werner, his excellent translations from the German, will remain a testimony of the naturalization which he has given to German literature amongst us; as the beautiful pages in his *Lectures* on Dante, and some of those which he has devoted to French writers, testify the universality of that tendency which we distinguish here as forming the third characteristic of his mind.

To descend to qualities purely literary, Mr. Carlyle is more-over a powerful artist. Since the appearance of his work on the French Revolution, no one can any longer dispute his claim to this title. The brilliant faculties which were revealed in flashes in his previous writings burst out in this work, and one must have a very limited view of the actual duties of the historian to be able to judge it coldly and to remark its defects. He carries his reader along, he fascinates him. Powerful in imagination, which is apt to discover the sympathetic side of things and to seize its salient point,—expressing himself in an original style, which, though it often appear whimsical, is yet the true expression of the man, and perfectly conveys his thought,—Mr. Carlyle rarely fails of his effect. Gifted with that objectivity, of which Goethe has in recent times given us the highest model, he so identifies himself with the things, events or men which he exhibits, that in his portraits and his descriptions he attains a rare lucidness of outline, force of colouring and graphic precision: they are not imitations, but reproductions. And yet he never loses, in the detail, the *characteristic*, the unity of the object, being, or idea which he wishes to exhibit. He works in the manner of a master, indicating by certain features, firm, deep and decisive, the general physiognomy of the object, concentrating the effort of his labour and the richness of his light upon the central point, or that which he deems such, and placing this so well in relief that we cannot forget it. *Humour*, or the faculty of setting off small things, after the manner of Jean Paul, abounds in his writings. Beside the principal idea, secondary ideas meet us at every step, often new and important in themselves, particles of gold scat-



tered upon the shore by the broad wave of the writer's thought. His epithets, although numerous, are seldom without force : they mark a progression in the development of the idea or the qualities of the object. His diction may have faults ; of these we shall not treat here, but we may remark that the charge of obscurity so commonly brought against all thinkers endowed with originality, is, generally speaking, only a declaration of incompetence to comprehend or to judge of their ideas. Moreover his style is, as we have said, the spontaneous expression of the genius of Mr. Carlyle, the aptest form to symbolize his thought, the body shaped by the soul. We would not that it were otherwise ; what we require in all things is, *man as he was meant to be*.

Thus frank, honest and powerful, "*ohne Hast, aber ohne Rast*," Mr. Carlyle pursues his career : may he long continue it, and reap the honours that he merits,—not for himself so much, as for the gratification of those who esteem him, of all those who would see the relation between intelligence and the public drawn more and more close ; and may he thus, in his pilgrimage here, attain the consciousness that the seed which he has scattered has not been given to the wind.

We have stated sufficiently at large what is absolutely good in the writer we have undertaken to estimate, that we might the more freely fulfil a second duty, that of declaring what appears to us to render this noble talent incomplete, and to vitiate his work by keeping it behind what the times require elsewhere, and will soon require here. It is a very important question (too important for the few pages we can here devote to it) that we must now glance at : upon it depends the question of the duty imposed at the present time on the whole world. It appears to us that Mr. Carlyle's tendency, hitherto appreciated from only one point of view,—tory, whig, or sectarian,—well deserves that we should seek to appreciate it from the point of view of the future, from which all the present transitional parties are excluded.

There is but one defect in Mr. Carlyle, in our opinion, but that one is vital : it influences all he does, it determines all his views ; for logic and system rule the intellect even when the latter pretends to rise the most against them. We refer to his view of the *collective* intelligence of our times.

That which rules the period, which is now commencing, in all its manifestations,—that which makes every one in the present day complain, and seek good as well as bad remedies,—that which everywhere tends to substitute, in politics, democracy for governments founded upon privilege,—in social economy, association for unlimited competition,—in religion, the spirit of universal tradition for the solitary inspiration of the conscience,—is the work of an *idea*, which not only distances the object, but misplaces the starting-point of human activity; it is the collective thought seeking to supplant, as the point of view in the social organism, the individual thought; the spirit of humanity *visibly* surpassing (for it has been always silently and unperceived at work) the spirit of man. In the past, we studied one by one the small leaves of the calix, the petals of the corolla; at the present day our attention is turned to the full expansion of the flower. Two thousand years, from the earliest times of Greece down to the latest times of Pagan Rome, worked out Individuality under one of its phases; eighteen centuries have enlightened and developed it under the other. At the present day other horizons reveal themselves,—we leave the individual for the species. The instrument is organized; we seek for it a law of activity and an outward object. From the point of view of the individual we have gained the idea of right; we have worked out (were it only in thought) liberty and equality—the two great guarantees of all personality: we proceed further—we stammer out the word Duty, that is to say, something which can only be derived from the general law, *association*—that is to say, something which requires a common object, a common belief. The prolonged plaint of millions crushed beneath the wheels of competition has warned us that freedom of labour does not suffice to render industry what it ought to be, the source of material life to the state in all its members: the intellectual anarchy to which we are a prey, has shown us that liberty of conscience does not suffice to render religion the source of moral life to the state in all its members. We have begun to suspect, not only that there is upon the earth something greater, more holy, more divine than the individual,—collective Humanity,—an existence always living, learning, advancing toward God, of



which we are but the instruments,—but that it is alone from the summit of this collective idea, from the conception of the Universal Mind, “of which,” as Emerson says, “each individual man is one more incarnation,” that we can derive our function, the rule of our life, the ideal of our societies. We labour at this at the present day. It signifies little that our first essays are strange aberrations: it signifies little, that falling upon their weak side, the doctrines of St. Simon, of Owen, of Fourier and others, who have arisen or shall arise, may be condemned to ridicule. That which is important is the idea common to all these doctrines, and the breath of which has rendered them fruitful; it is the object which they all instinctively propose, the starting-point they take. Half a century ago, all the boldest and most innovating theories sought in the organization of societies guarantees for free individual action; society was fundamentally only the power of *all* directed to the support of the rights of *each*: at the present day, the most timid reformers start with a social principle to define the part of the individual,—with the admission of a law, to seek what may be its best interpreter and its best application. What, in the political world, are all these tendencies to centralization, to universal suffrage, to the annihilation of castes? Whence arise, in the religious world, all these discontents, all these reversion toward the past, all these aspirations toward a future, confused, uncertain, but wide, tolerant and reconciliatory of creeds at present opposed? Why is history, which in old times was satisfied with relating the deeds of princes or of ruling bodies of men, directed at the present day so much to the masses, and why does it feel the want of descending from the summits of society to its base? And what means that word Progress, which, understood in a thousand ways, is yet found on every lip, and becomes more from day to day the watchword of all labours? We thirst for unity: we seek it in a new and larger expression of the mutual responsibility of all men towards each other,—the indissoluble *copartnery* of all generations and all individuals in the human race. We begin to comprehend those beautiful words of St. Paul (Romans xii. 5), “We being many, are one body in Christ, and every one members one of another.” We resolve the incertitude and caprices of indivi-

duals into a universality: we seek the intelligence and harmonizing of persons in the collective mass. Such is the tendency of the present times, and whosoever does not labour in accordance with it, necessarily remains behind.

Mr. Carlyle comprehends only the *individual*; the true sense of the unity of the human race escapes him. He sympathizes with all men, but it is with the life of each one, and not with their collective life. He readily looks at every man as the representative, the incarnation in a manner, of an idea: he does not believe in a "supreme idea," represented progressively by the development of mankind taken as a whole. He feels forcibly (rather indeed by the instinct of his heart, which revolts at actual evil, than by a clear conception of that which constitutes *life*) the want of a bond between the men who are around him: he does not feel sufficiently the existence of the bond between the generations past, present and future. The great religious thought, *the continued development of Humanity by a collective labour, according to an educational plan assigned by Providence*, fore-felt from age to age by a few rare intellects, and proclaimed in the last fifty years by the greatest European thinkers, finds but a feeble echo, or rather no echo at all, in his soul. Progressive from an impulse of feeling, he shrinks back from the idea as soon as he sees it stated explicitly and systematically; and such expressions as "the progress of the species" and "perfectibility" never drop from his pen unaccompanied by a taint of irony, which we confess is to us inexplicable. He seems to regard the human race rather as an aggregate of similar individuals, distinct powers in juxtaposition, than as an association of labourers, distributed in groups, and impelled on different paths toward one single object. Nation itself, country,—the second collective existence, less vast, but still for many centuries not less sacred than humanity,—vanishes, or is modified under his hand: it is no longer the sign of our portion of labour in the common work, the workshop in which God has placed the instruments of labour to fulfil the mission most within our reach; it is no longer the symbol of a thought, of a special vocation to be followed, indicated by the tradition of the race, by the affinity of tendencies, by the unity of language, by the character of localities; it is something reduced, as much as



possible, to the proportions of the *individual*. The nationality of Italy is the glory of having produced Dante and Christopher Columbus; the nationality of Germany that of having given birth to Luther, to Goethe and to others. The shadow thrown by these gigantic men appears to eclipse to his view every trace of the national thought of which these men were only the interpreters or prophets, and of the people, who alone are its depositary. All generalization is so repugnant to Mr. Carlyle, that he strikes at the root of the error as he deems it, by declaring that the history of the world is fundamentally nothing more than the biography of great men ('Lectures'). This is to plead, distinctly enough, the falseness of the idea which rules the movement of the times\*.

We protest, in the name of the democratic spirit of the age, against such ideas. History is not the biography of great men; the history of mankind is the history of the progressive religion of mankind, and of the translation by symbols, or external actions, of that religion. The great men of the earth are but the marking-stones on the road of humanity: they are the priests of its religion. What priest is equal in the balance to the whole religion of which he is a minister? There is yet something greater, more divinely mysterious, than all the great men,—and this is the earth which bears them, the human race which includes them, the thought of God which stirs within them, and which the whole human race collectively can alone accomplish. Disown not, then, the common mother for the sake of certain of her children, however privileged they may be; for at the same time that you disown her, you will lose the intellect of these rare men whom you admire. Genius is like the flower, which draws one half of its life from the moisture that circulates in the earth, and inhales the other half from the atmosphere. The inspiration of genius belongs one half to heaven, the other to the crowds of common mortals from whose life it springs. No one is

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\* This is the essence of Mr. Carlyle's ideas, as they appear to us to be deducible from the body of his views and opinions and the general spirit which breathes in his works. Of course we meet here and there with passages in opposition to this spirit, and in accordance with that of the age. It is impossible for a writer of Mr. Carlyle's stamp to avoid this; but we do not think we can be accused, if our remarks are read with attention, of unfaithfulness in the material point.

gifted with a right comprehension of it, without studying the medium in which it lives..

We cannot, however, here attempt to establish any positive ideas respecting the vocation of our epoch, or the doctrine of the collective progress which appears to us to characterize it: perhaps we may one day take an occasion to trace the history of this doctrine, which, treated as it still is with neglect, reckons nevertheless amongst its followers men who bore the names of Dante, of Bacon and of Leibnitz. We can at present only mark the existence of the contrary doctrine in the writings of Mr. Carlyle, and the consequences to which, in our opinion, it leads him.

It is evident that, of the two criteria of certainty, individual conscience and universal tradition, between which mankind has hitherto perpetually fluctuated, and the reconciliation of which appears to us to constitute the only means we possess of recognizing truth, Mr. Carlyle adopts one alone—the first. He rejects, or at least wholly neglects, the other. From this point, in his view, all follows in a natural connexion: individuality being everything, the doctrine of *unconsciousness* follows. The voice of God is heard in the intuition, in the instincts of the soul: to separate the individuality from every human external agency, and to offer it in native purity to the breath of inspiration from above,—this is to prepare a temple to God: God and the individual man—Mr. Carlyle sees no other object in the world. But how can the individual alone approach God, unless by transport, by enthusiasm, by the unpremeditated upward flight of the spirit, unshackled by method or calculation? Hence arises all Mr. Carlyle's antipathy to the labours of philosophy: they must appear to him like the efforts of a Titan with the strength of a pygmy. Of what avail are the poor analytical and experimental faculties of the individual intellect, in the solution of this immense and infinite problem? Hence, likewise, his bitter and often violent censure of all those who labour against the social state as it exists. Victory may indeed justify them, for victory is the intervention of God by his decree, from which there is no appeal: but where is the man who can pretend to fore-calculate, to determine this decree? What avails it to fill the echoes with complaint, like Philoctetes? What avails it to contend



convulsively in a powerless struggle? What is, *is*. All our endeavours will not alter it before the time decreed; that time God alone determines. What is to happen God will bring to pass, very probably by wholly different means from those which we, feeble and ephemeral creatures, may imagine. Point out the evil, calmly, wisely; then resign yourself, trust, and wait! There is a deep discouragement, a very despair, at the bottom of all that bold fervour of belief which characterizes many of Mr. Carlyle's pages. To us he seems to seek God rather as a refuge, than as the source of right and of power: from his lips, at times so daring, we seem to hear every instant the cry of the Breton mariner—"My God, protect me! my bark is so small and thy ocean so vast!"

Now all this is partly true, and nevertheless it is all partly false: true, inasmuch as it is the legitimate consequence from Mr. Carlyle's starting-point; false, in a higher and more comprehensive point of view. If we derive all our ideas of human affairs and labours from the notion of the individual, and see only in social life "the aggregate of all the individual men's lives"—in history only "the essence of innumerable biographies\*"—if we always place *man*, singly, isolated, in presence of the universe and of God, we shall have full reason to hold the language of Mr. Carlyle. If all philosophy be in fact, like that of the ancient schools, merely a simple physiological study of the individual,—an analysis, more or less complete, of his faculties,—of what use is it, but as a kind of intellectual gymnastics? If our powers be limited to such as each one of us may acquire by himself, between those moments of our earthly career which we call birth and death, they are indeed enough to attain the power of guessing and of expressing a small fragment of the truth: let him who can *realize* it here. But if we place ourselves in the point of view of the collective existence, Mankind, and regard social life as the continued development of an idea by the life of all its individuals,—if we regard history as the relation of this development in time and space through the works of individuals; if we believe in the *copartnery* and mutual responsibility of generations, never losing sight of the fact that the

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\* Essays—'Signs of the Times.'

life of the individual is his development, in a medium fashioned by the labours of all the individuals who have preceded him, and that the powers of the individual are *his* powers grafted upon those of all foregoing humanity,—all our ideas will change. Philosophy will appear to us as the science of the law of life, as “the soul” (Mr. Carlyle himself once uses this expression in contradiction to the general spirit of his works), “of which religion, worship is the body;” and the complaint of the intellect, so often looked upon as idle, from Byron down to George Sand, will be to us, what it is in truth, the registered, efficacious protest of the spirit, tormented by presentiments of the future, against a present corrupted and destroyed; and we shall feel that it is not only our right, but our duty, to incarnate our thought in action. For it matters little that *our* individual powers be of the smallest amount in relation to the object to be attained; it matters little that the result of *our* action be lost in a distance which is beyond our calculation: we know that the powers of millions of men, our brethren, will succeed to the work after us, in the same track,—we know that the object attained, be it when it may, will be the result of *all* our efforts combined.

The object—an object to be pursued collectively, an ideal to be realized as far as possible here below, by the association of all our faculties and all our powers—“*operatio humanæ universitatis*,” as Dante says in a work little known, or misunderstood, in which, five centuries ago, he laid down many of the principles upon which we are labouring at the present day—“*ad quam ipsa universitas hominum in tantâ multitudine ordinatur, ad quam quidem operationem nec homo unus, nec domus una, nec vicinia, nec una civitas, nec regnum particulare, pertingere potest\**”—this alone gives value and method to the life and acts of the individual. Mr. Carlyle seems to us almost always to forget this. Being thus without a sound criterion whereby to estimate individual acts, he is compelled to value them rather by the power which has been expended upon them, by the energy and perseverance which they betray, than by the nature of the object toward which they are directed, and their relation to that object. Hence

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\* De Monarchiâ.



arises that kind of indifference which makes him, we will not say esteem, but love, equally men whose whole life has been spent in pursuing contrary objects,—Johnson and Cromwell, for example. Hence proceeds that spirit of fatalism (to call things by their right names) which remotely pervades his work on the French Revolution; which makes him sympathize so much with bold deeds, admire ability, under whatever form displayed, and so often hail, at the risk of becoming an advocate of despotism, might as the token of right. He desires undoubtedly *the good* everywhere and always; but he desires it, from whatever quarter it may come—from above or from below,—imposed by power, or proclaimed by the free and spontaneous impulse of the multitude; and he forgets that the *good* is above all a moral question; that there is no good apart from the consciousness of good; that it exists only where it is made, not obtained, by man: he forgets that we are not machines for production, from which as much work as possible is to be extracted, but free agents, called to stand or fall by our works. His theory of *unconsciousness*, the germ of which appears in the ‘Life of Schiller,’ and is clearly defined in his essay ‘Characteristics,’ although at first view it may indeed appear to acknowledge human spontaneity, yet does emphatically involve its oblivion, and sacrifices, in its application, the social object to an individual point of view.

Genius is not, generally speaking, unconscious of what it experiences or of what it is capable. It is not the suspended harp which sounds (as the statue of Memnon in the desert sounds in the sun) at the changing unforeseen breath of wind that sweeps across its strings: it is the conscious power of the soul of a man, rising from amidst his fellow-men, believing and calling himself a son of God, an apostle of eternal truth and beauty upon the earth, the privileged worshiper of an ideal as yet concealed from the majority: he is almost always sufficiently tormented by his contemporaries, to need a compensation—that of feeling his life in the generations to come. Cæsar, Christopher Columbus, were not unconscious: Dante, when, at the opening of the twenty-fifth chapter of the ‘Paradiso,’ he hurled at his enemies that sublime menace, which commentators without heart and without head have mistaken for a cry of supplication,—Kepler, when he wrote,

"My book will await its reader: has not God waited six thousand years before he created a man to contemplate his works?"\* — Shakspeare himself, when he wrote,

"And nothing stands . . . .  
And yet, to times in hope, my verse shall stand†"

—these men were not unconscious: but even had they been so, even were genius always unconscious, the question lies not there. It is not the consciousness of genius that is important to a man, but of that which he proposes to do: it is the consciousness of the object, and not that of the means, which we assert to be indispensable, whenever man has any great thing to accomplish. This consciousness pervaded all the great men who have embodied their thought,—the artists of the middle ages themselves, who have transferred to stone the aspiration of their souls towards heaven, and have bequeathed to us Christian cathedrals, without even graving their names on a corner-stone. What then becomes of the anathema hurled by Mr. Carlyle at philosophy? What becomes of the sentence passed with so much bitterness against the restless complaints of contemporary writers? What is philosophy but the science of ends? And is that which he calls the disease of the times, at the bottom aught else than the consciousness of a new object, not yet attained? We know there are many men who pretend, without right and without reality, that they already possess a complete knowledge of the means. Is it this that he attacks? If so, let him attack the premature cry of triumph, the pride, not the plaint. This is but the sign of suffering, and a stimulus to research: it is doubly sacred.

Doubly sacred, we say,—and to murmur at the plaint is both unjust and vain; vain,—for whatever we may do, the words, "*the whole creation groaneth*," of the apostle whom we love to quote will be verified the most forcibly in the choicest intellects, whenever an entire order of things and ideas shall be exhausted; whenever, in Mr. Carlyle's phrase, there shall exist no longer any social faith:—unjust, for while on one side it attacks those who suffer the most, on the other

\* *Harmonices Mundi: libri quinque.*

† *Sonnets*, 60. See also *Sonnets* 17, 18, 55, 63, 81, etc.



it would suppress that which is the symptom of the evil, and prevent attention being awakened to it. Suffer in silence, do you say? no, cry aloud upon the housetops, sound the tocsin, raise the alarm at all risks, for it is not alone your house that is on fire, but that of your neighbour, that of every one. Silence is frequently a duty, when suffering is only personal; it is an error and a fault, when the suffering is that of millions. Can we possibly imagine that this complaining, this expression of unrest and discontent which at the present day bursts out on every side, is only the effect of the personal illusions of a few egoistical writers? Do we imagine that there can be any pleasure in parading one's own real suffering before the public? It is more pleasant to cause smiles than tears in those around us. But there are times in which every oracle utters words of ill omen; the heavens are veiled, evil is everywhere: how should it not be in the heart of those, whose life vibrates most at the trembling of the universal life? What! after proving the evil every instant in our pages, after showing society advancing through moral anarchy and devoid of belief towards its dissolution, can we expect the features to remain calm? are we astonished if the voice trembles, if the soul shudders? Human thought is disquieted; it questions itself, listens to itself, studies itself: this is evidently not its normal state. Be it so; but what is to be done? must we abolish thought,—deny the intellect the right, the duty of studying itself, when it is sick? This is indeed the result of the essay on 'Characteristics,' one of Mr. Carlyle's most remarkable works. The first part is truly admirable: the evil is there perfectly charactered and the principal symptoms described; but the conclusion is most lame and impotent. It ends by suppressing (*how*, is not indicated) the disquietude, or what he terms the "self-sentience," the "self-survey," the consciousness. Would it not be better to endeavour to suppress the malady which produces it? There is a brilliant passage at the end of this same essay, which serves us as a conclusive reply:—

"Do we not already know that the name of the Infinite is Good, is God? Here on earth we are as soldiers, fighting in a foreign land, that understand not the plan of the campaign, and have no need to understand it; seeing well what is at our hand to be done. Let us do it like soldiers,

with submission, with courage, with a heroic joy. 'Whatever thy hand findeth to do, do it with all thy might.' Behind us, behind each one of us, lie six thousand years of human effort, human conquest: before us is the boundless Time, with its as yet uncreated and unconquered continents and Eldorados, which we, even we, have to conquer, to create; and from the bosom of Eternity shine for us celestial guiding-stars."

We have selected this passage, because, approaching as it does near to the truth in the last lines, and contradicting them (in our opinion) in the first, it appears to us to include in essence all the certainties and uncertainties, the "everlasting Yea" and the "everlasting No" of Mr. Carlyle. GOD and DUTY—these are in fact the two sacred words which mankind has in all critical periods repeated, and which at the present day still contain the means of salvation. But we must know in what manner these words are understood.

We all seek God; but where, how, with what aim? This is the question. Seek him, Mr. Carlyle will say, in the starry firmament, on the wide ocean, in the calm and pure brow of a heroic man; above all, in the words of genius and at the bottom of your heart, freed from all egoistic passions. God is everywhere: learn to find him. You are surrounded by his miracles: you swim in the Infinite: the Infinite is also within you. BELIEVE,—you will be better; you will be what man should be. True indeed,—but how create belief? This, again, is the question. In all periods of the history of mankind there have been inspired men who have appealed to every generous, great, divine emotion in the human heart, against material appetites and selfish instincts. These men have been listened to; mankind has *believed*: it has, during several centuries, done great and good things in the name of its creeds. Then it has stopped, and ceased to produce. Why so? Was the thing it had believed, false? No, it was incomplete: like all human things, it was a fragment of absolute truth, combined with many truths relative to time and place, destined to disappear after having borne their fruit and when the human intelligence should be ripe for a higher initiation. When this period arrives, all isolated exhortation to faith is useless. What is preached may be eminently sage and moral; it may have, here and there, the authority of an individual system of philosophy, but it will never compel belief. It may meet with a sterile theoretic approbation, but it will not command



the practice, it will not dictate the action, it will not gain that mastery over the *life* of men which can make it fruitful in all its manifestations. If the contrary were true, there is no religion that could not make the universe exist for ever in harmony, by the morality which is either developed or involved in it. But there are times in which all efforts are paralyzed by apathy, except we change (by the development of new relations between men, or by calling into action an element hitherto suppressed) the starting-point of social energy, and give a strong shake to the intellect, which has fallen asleep from want of nourishment.

We all seek God; but we know that here below we cannot attain unto him, nor comprehend him, nor contemplate him: the absorption into God of the Brahminical religions, of Plato and of some modern ascetics, is an illusion that cannot be realized: we are too far off. Our aim is to approach God: this we can do by our works alone. To incarnate, as far as possible, his Word; to translate, to realize his Thought, is our charge here below. It is not by contemplating his works that we can fulfil our mission upon earth; it is by devoting ourselves to the evolution of his work, without interruption, without end. The earth and man touch at all points on the infinite: this we know well, but is it enough to know this? have we not to march onwards, to advance into this infinite? But can the individual, finite creature of a day do this, if he relies only upon his own powers? It is precisely from having found themselves for an instant face to face with infinity, without calculating upon other faculties, upon other powers than their own, that some of the greatest intellects of the day have been led astray into scepticism or misanthropy. Not identifying themselves sufficiently with mankind, and startled at the disproportion between the object and the means, they have ended by viewing everywhere death and annihilation, and have no longer had courage for the conflict. The ideal has appeared to them like a tremendous irony.

In truth, human life regarded from a merely individual point of view is a melancholy thing. Glory, power, grandeur, all perish,—playthings of a day, broken at night. The mothers who loved us, whom we love, are snatched away; friendships die, and we survive them. The phantom of death watches

by the pillow of those dear to us: the liveliest and purest love would be a bitter irony, were it not a promise for the future; and this promise itself is not felt strongly enough by us, such as we are at the present day. The intellectual adoration of truth, without hope of realization, is sterile: there is a larger void in our souls, more room for the truth than we can fill during our short terrestrial existence. Break the bond of continuity between ourselves and the generations which have preceded and shall follow us upon the earth, and what is the devotion to ideas but a sublime folly? Annihilate the connexion of all human lives, efface the infallibility which lies in the progression of collective mankind, and what becomes martyrdom but a suicide without an object? Who would sacrifice—not his life, for that is little—but all the days of his life, his affections, the peace of those he loves, for country, for human liberty, for the evolution of a great moral thought, when a few years, perhaps a few days, will suffice to destroy it? Sadness, exhaustless sadness, discordance between the will and the power, disenchantment, discouragement,—such constitute life, when looked at only from the individual point of view. A few rare intellects escape the common law and attain calmness; but it is the calm of inaction, of contemplation; and contemplation here on earth is the selfishness of genius.

We repeat, that Mr. Carlyle has instinctively all the sentiments of the period; but not understanding, not admitting throughout, where he labours with the intellect rather than with the heart, the collective life, it is absolutely impossible for him to find the means of realization. A perpetual antagonism prevails throughout all that he does; his instincts drive him to action, his theory to contemplation. Faith and discouragement alternate in his works, as they must in his soul. He weaves and unweaves his web, like Penelope: he preaches by turns life and nothingness: he destroys the powers of his readers, by continually carrying them from heaven to hell, from hell to heaven. Ardent, and almost menacing, upon the ground of idea, he becomes timid and sceptical as soon as he is engaged on that of its application. We may agree with him with respect to the aim—we cannot respecting the means; he rejects them all, but he proposes no



others. He desires progress, but dislikes progressives: he foresees, he announces as inevitable, great changes or revolutions in the religious, social, political order; but it is on condition that the revolutionists take no part in them: he has written many admirable pages on Knox and Cromwell; but the chances are that he would have written as admirably, although less truly, against them, had he lived at the commencement of their struggles. Give him the past—give him a power, an idea, something which has triumphed and borne its fruits—so that, placed thus at a distance, he can examine and comprehend it under all its points of view, calmly, at his ease, without fear of being troubled by it, or drawn into the sphere of its action—and he will see in it all that there is to see, more than others are able to see. Bring the object near to him, and as with Dante's souls in the 'Inferno,' his vision, his faculty of penetration is clouded. If his judgement respecting the French revolution be in our opinion very incomplete, the reason is that the event is still continued, and that it appears to him living and disturbing. The past has everything to expect from him—the present, nothing—not even common justice. Have patience, he says, to those who complain; all will come to pass, but not in your way: God will provide the means. By whom then will God provide means upon earth unless by us? are we not his agents here below? Our destinies are within us: to understand them, we need intellect—to accomplish them, power. And why does he assign us the first, without the second? Wherefore does he speak to us at times, in such beautiful passages, of hope and faith, of the divine principle that is within us, of the duty which calls us to act, and the next instant smile with pity upon all that we attempt,—and point to us the night, the vast night of extinction, swallowing up all our efforts?

There is, in our opinion, something very incomplete, very narrow, in this kind of contempt which Mr. Carlyle exhibits, whenever he meets in his path with anything that men have agreed to call political reform. The forms of government appear to him almost without meaning: such objects as the extension of suffrage, the guarantee of any kind of political right, are evidently in his eyes pitiful things, materialism more or less disguised. What he requires is, that men should

grow better, that the number of just men should increase: one wise man more in the world would be to him a fact of more importance than ten political revolutions. It would be so to us also, were we able to create him, as Wagner does his Homunculus by blowing on the furnaces,—if the changes in the political order of things did not precisely constitute those very manifestations which appear to us indispensable to the life of the just and wise man. When a creed is the professed object, we must not capriciously destroy the instruments which may enable us fully to attain it.

We know well enough, that there are too many men who lose the remembrance of God in the symbol, who do not go beyond questions of form, contract a love for them, and end in a kind of liberalism for liberalism's sake. We do not need to enter our protest against this caprice, if the reader has paid attention to what we have already said. In our view the real problem, which rules all political agitation, is one of education. We believe in the progressive moral amelioration of man as the sole important object of all labour, as the sole strict duty which ought to direct us: the rest is only means. But where the liberty of means does not exist, is not its attainment the first thing needful? Take an enslaved country,—Italy for example,—there we find no education, no press, no public meetings; but censors, who, after having mutilated a literary journal for years, seeing that it still survives, suppress it altogether\*;—archbishops, who preach against all kinds of popular instruction, and declare the establishment of infant-schools to be immoral†;—princes, who stamp all the books belonging to their subjects‡. What can be done to ameliorate in such a country the moral and intellectual condition of the people? Take a country of serfs,—Poland or Russia for example,—how can we set about the attempt to annihilate the really existing distinction? Could the education of these nations be commenced otherwise than by a revolution? Take a man, for instance, who labours hard from fourteen to sixteen hours a day to obtain the bare necessities of existence; he

\* The 'Subalpino,' the 'Letture Popolari,' in Piedmont; the 'Antologia' at Florence, etc.

† The Archbishop of Turin, Franzoni, in a pastoral letter.

‡ The Duke of Modena.



eats his bacon and potatoes (when indeed he can get them) in a place which might rather be called a den than a house; and then, worn out, lies down and sleeps: he is brutalized in a moral and physical point of view; he has not ideas, but propensities,—not belief, but instinct; he does not read,—he cannot read; he has not within his reach the least means of self-enlightenment, and his contact with the upper class is only the relation of a servant to a master, of a machine to the director of the machine. Of what use are books to such a being? How can you come at him, how kindle the divine spark which is torpid in his soul, how give the notion of life, of sacred life, to him, who knows it only by the material labour that crushes him, and by the wages that abase him? Alas! this man's name is Million; he is met with on every side; he constitutes nearly three-fourths of the population of Europe. How will you give him more time and more energy to develop his faculties, except by lessening the number of his hours of labour, and increasing his profits? How can you render his contact with the enlightened classes serviceable to him, except by altering the nature of his relations toward them? How, above all, will you raise this fallen soul, except by saying to him,—by telling him in *acts*, not reasonings which he does not understand,—“Thou too art man: the breath of God is in thee: thou art here below to develop thy being under all its aspects; thy body is a temple; thy immortal soul is the priest, which ought to sacrifice there for all”? And what is this act, this token destined to raise him in his own eyes, to show to him that he has a mission upon earth, to give him the consciousness of his duties and his rights, except his initiation into citizenship, the suffrage? What is meant by “re-organizing labour,” but bringing back the dignity of labour? What is a new form, but the *case* of a new idea? We perhaps have had a glimpse of the ideal in all its purity,—we feel ourselves capable of soaring into the invisible regions of the spirit. But are we, on this account, to isolate ourselves from the movement which is going on among our brethren beneath us? Must we hear ourselves addressed thus, “You profane the sanctity of the idea,” because the men into whom we seek to instil it are flesh and blood, and we are obliged to speak to their senses?

Condemn all action, then ; for action is only a form given to thought,—its application, practice. “The end of man is an *action*, and not a *thought*.” Mr. Carlyle himself repeats this in his ‘*Sartor Resartus*’ (book 2. ch. vi.), and yet the spirit which pervades his works seems to us too often of a nature to make his readers forget it.

It has been asked\*, what is at the present day the duty of which we have spoken so much? A complete reply would require a volume, but we can point it out in a few words. Duty consists of that which the life of the individual represents in all possible acts, for the love of God and of man, *all* that he believes to be the truth, absolute or relative. Duty is progressive, as the evolution of the truth ; it is modified and enlarges with ages ; it changes its manifestations according to the requirement of times and circumstances. There are times in which we must be able to die like Socrates ; there are others, in which we must be able to struggle like Washington : one period claims the pen of the sage, another requires the sword of the hero. But ever, and everywhere, its source is God and his law,—its object, Humanity,—its guarantee, the mutual responsibility of men,—its measure, the intellect of the individual and the demands of the period,—its limit, power. Study the universal tradition of humanity, with all the faculties, with all the disinterestedness, with all the comprehensiveness of which God has made you capable ; where you find the general permanent voice of humanity agreeing with the voice of your conscience, be sure that you hold in your grasp something of absolute truth—gained, and for ever yours. Study also with interest, attention and comprehensiveness, the tradition of your epoch and of your nation,—the idea, the want, which ferments within them : where you find that your conscience sympathizes with the general aspiration, you are sure of possessing the relative truth. Your life must embody both these truths, must represent and communicate them, according to your intelligence and your means ; you must be not only MAN, but a man of your age ; you must act as well as speak ; you must be able to die without being compelled to acknowledge, “I have known such a fraction

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\* Mr. Horne, in his Preface to *Gregory VII.*



"of the truth, I could have done such a thing for its triumph, "and I have not done it." Such is, in our opinion, duty, in its most general expression. As to its special application to our times, we have said enough on this point in the commencement of the part of our article which establishes our difference from the views of Mr. Carlyle, to render its deduction easy. The question at the present day is a perfecting the principle of association, a change of the medium in which mankind moves: duty therefore lies in a *collective* labour,—every one to measure his powers, and to see what part of this labour falls to him. The greater the intellect and influence a man enjoys, the greater his responsibility; but assuredly contemplation cannot satisfy duty in any degree.

Mr. Carlyle's expression of duty is naturally different. Thinking only of individuality, calculating only the powers of the individual, he would rather restrict than enlarge its sphere. The rule which he adopts is that laid down by Goethe,—“Do the duty which lies nearest thee.” And this rule is good, inasfar as it is, like all other moral rules, susceptible of a wide interpretation,—bad, so far as, taken literally, and falling into the hands of men whose tendencies to self-sacrifice are feeble, it may lead to the revival of selfishness, and cause that which at bottom should only be regarded as the wages of duty to be mistaken for duty itself. It is well known what use Goethe, the high-priest of the doctrine, made of this maxim, shrouding himself in what he called ‘Art’; and amidst a world in misery, putting away the question of Religion and politics,—“a troubled element for Art,” though a vital one for *man*,—and giving himself up to the contemplation of forms and the adoration of self. There are at the present day but too many who imagine they have perfectly done their duty, because they are kind toward their friends, affectionate in their families, inoffensive toward the rest of the world. The maxim of Goethe and of Mr. Carlyle will always suit and serve such men, by transforming into duties the individual, domestic or other affections,—in other words, the consolations of life. Mr. Carlyle probably does not carry out his maxim in practice; but his principle leads to this result, and cannot theoretically have any other. “Here on earth we are as soldiers,” he says:—true, but “we

"understand nothing, nor do we require to understand any thing, of the plan of the campaign." What law, what sure object can we then have for action, excepting those to which our individual instincts lead us? Religion is the first of our wants, he will go on to say: but whilst to us religion is a belief and a worship in common, an ideal, the realization of which mankind collectively must seek,—a heaven, the visible symbol of which the earth must be rendered by our efforts,—to him it is only a simple relation of the individual to God. It ought therefore, according to our view, to preside over the development of collective life; according to his view, its only office is to pacify the troubled soul.

Does it at least lead to this conclusion? Is he (we speak of the writer, of whom alone we have a right to speak) calm? No, he is not: in this continual alternation between aspirations as of a Titan and powers necessarily very limited, between the feeling of life and that of nothingness, his powers are paralyzed as well as those of his readers. At times there escape from his lips accents of distress, which, whatever he may do, he cannot remove from the minds of those who listen to him with attention and sympathy. What else is that incessant and discouraged yearning after rest, which, although he has formally renounced the happiness of life, pervades all his works,—*'Sartor Resartus'* especially,—and which so constantly calls to our minds the expression of Arnaud to Nicolle,—*"N'avons-nous pas toute l'éternité pour nous reposer?"*—"Let me rest here, for I am way-weary, and life-weary; I will rest here, were it but to die; to die or to live is alike to me, alike insignificant . . . . Here, then, as I lay in that CENTRE OF INDIFFERENCE . . . ., the heavy dreams rolled gradually away\*." Alas! no, poor *Teufelsdröck!* there is no repose here on earth. It matters little if the limbs be bruised, the faculties exhausted. Life is a conflict and a march: the "heavy dreams" will return; we are still too low; the air is still too heavy around us for them to "roll away." Strength consists in advancing in the midst and in spite of them,—not in causing them to vanish. They will vanish higher, when, after mounting a step upon the

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\* *Sartor Resartus*, Book ii, ch. 9.



ladder, life shall expand in a purer medium: the flower, too, springs and unfolds in the earth, to expand only in another element, in the air and sun of God. Meanwhile suffer and act; suffer for thyself, act for thy brethren, and with them. Speak not ill of science, of philosophy, of the spirit of inquiry; these are the implements which God has given us for our labour,—good or bad, according as they are employed for good or for evil. Tell us no longer that “life itself is a disease,—knowledge, the symptom of derangement;” talk no more of a “first state of freedom and paradisiacal unconsciousness\*.” There is more *Byronism* in these few words than in the whole of Byron. Freedom and paradise are not behind, but before us. Not life itself, but the deviation from life, is disease: life is sacred; life is our aspiration toward the ideal,—our affections, engagements, which will one day be fulfilled, our virtues, advanced toward greater. It is blasphemy to pronounce a word of disrespect against it.

The evil at the present day is, not that men assign too much value to life, but the reverse.. Life has fallen in estimation, because, as at all periods of crisis and disorganization, the chain is broken which in all forms of belief attaches it through humanity to heaven. It has fallen, because the consciousness of mutual human responsibility, which alone constitutes its dignity and strength, being lost together with the community of belief, its sphere of activity has become restricted, and it has been compelled to fall back upon material interests, little objects, minor passions. It has fallen, because it has been too much individualized; and the remedy lies in re-attaching life to heaven,—in raising it again, in restoring to it the consciousness of its power and sanctity. The means consist in tempering the individual life in the common elements, in the universal life; they consist in restoring to the individual that which we have from the outset called the feeling of *the collective*, in pointing out to him his place in the tradition of the species, in bringing him into communion, by love and by works, with all his fellow-men. By isolating ourselves, we have begun to feel ourselves feeble and little; we have begun to despise our efforts and those of our brethren toward the

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\* Essays—‘Characteristics.’

attainment of the ideal; and we have in despair set ourselves to repeat and comment upon the "*Carpe diem*" of the heathen poet: we must make ourselves great and strong again by association: we must not dishonour life, but make it holy. By persisting to search out the secret, the law of individuality in the individuality itself, man ends only in egoism, if he is evil-minded—in scepticism, in fatalism, or in contemplation, if he is virtuous. Mr. Carlyle, whatever he may himself think, fluctuates between these last three tendencies.

The function which Mr. Carlyle at present fulfils in England appears to us therefore important, but incomplete. Its level is perhaps not high enough for the demands of the age; nevertheless it is noble, and nearer to the object which we have pointed out than that perhaps of any other living writer. All that he combats is indeed really false, and has never been combated more energetically: that which he teaches is not always true. His longings belong to the future—the temper and habits of his intelligence attach him to the past. Our sympathies may claim the one half of the man,—the other half escapes us. All that we regard as important, he considers so also; all that we foresee, he foresees likewise. We only differ respecting the road to follow, the means to be adopted: we serve the same God, we separate only in the worship. Whilst we dive into the midst of present things, in order to draw inspiration from them, while we mingle with men in order to draw strength from them, he retires to a distance and contemplates. We appeal perhaps more than he to tradition; he appeals more than we to individual conscience. We perhaps run the risk of sacrificing something of the purity of the *idea*, in the pursuit of the means; he runs the risk, without intending it, of deserting his brother-labourers.

Nevertheless, let each follow his own path. There will always be a field for the fraternity of noble spirits, even if they differ in their notion of the present life. Their outward manifestations may vary, but only like the radiations of light upon the earth. The ray assumes different colours, according to the different media through which it passes, according to the surface of the objects upon which it falls; but wherever it falls, it warms and vivifies more or less visibly, and all the beams proceed from the same source. Like



the sun, the fountain of terrestrial light, there is a common element in heaven for all human spirits which possess strong, firm and disinterested convictions. In this sanctuary Mr. Carlyle will assuredly meet, in a spirit of esteem and sympathy, all the chosen spirits that adore God and truth, who have learned to suffer without cursing, and to sacrifice themselves without despair.

We can but briefly refer to Mr. Carlyle's last work, recently published, entitled '*Past and Present.*' We have read it with attention, and with a desire to find cause to alter our opinions. We however find nothing to retract: on the contrary the present work appears to us to confirm those opinions. '*Past and Present*' is a work of power, and will do incalculable good. No one will close its pages without having felt awakened in him thoughts and feelings which would perhaps have still slept long in his heart: yet should the reader desire to open it again, with a view to study how he may realize these sentiments and thoughts in the world, he will often, in the midst of eloquent pages, of fruitful truths expressed with an astonishing energy, meet with disappointment. '*Past and Present*' is, in our opinion, remarkable rather for the tendencies and aptitudes which it presents than for the paths which it points out. It is a step *toward* the future, not a step *in* the future. Will Mr. Carlyle take this step? We know not, but we have everything to hope for.

## ARTICLE VIII.

1. *Die Serbische Revolution.* Von LEOPOLD RANKE. Hamburg, 1829.
2. *La Turquie d'Europe.* Par AMI BOUÉ. Paris, 4 vols. 8vo : 1840.
3. *Treaties and Hatti-Sheriff's relating to Servia, presented to the House of Commons by the Queen's command, May 1843.* London.
4. *Hansard's Debates in the House of Lords, 5th May and 28th July 1843. Debate in the House of Commons 15th August, 1843.*
5. *Servia, the Circassia of the West.* By DAVID URQUHART, Esq. London, 1843.
6. *The Portfolio, Nos. 1 and 2, August 1st and September 1st, 1843.* London.

THE interest which the principality of Servia\* has of late excited in Western Europe is far from being unmerited. With the simplicity of ancient manners, her inhabitants appear to have inherited a spirit of patriotism, belonging rather to classical than to modern ages. Without an ally, unsustained even by the slightest hope of foreign assistance, they have not shrunk from drawing down upon themselves the indignation of a power, to whose pretensions, however extravagant, the cabinets of Europe are accustomed to submit in silence. By the honest assertion and steadfast maintenance of their rights, they have hitherto baffled all the stratagems of their adversary. The Poles and Circassians had taught the world that the arms of Russia are not entirely exempt from the most humiliating reverses; the Servians have shown by an equally valuable example, that her claims to be invincible in diplomacy rest on no better foundation.

So few sources of information respecting Servia are generally accessible, and the interests involved in the question of her independence from foreign interference are so complicated and momentous, that we shall offer no apology for presenting our readers with a succinct account of her present position

\* The name of *Servia* is a western corruption: it is disliked by the Servians (or as they call themselves the Sirbs) on account of its analogy to the Latin *servus*.



and recent history; promising that our sketch, if rude, shall be characteristic, and that if imperfect, it shall not be materially erroneous.

Situated on the northern declivity of the great Alpine range which separates the Adriatic Sea from the plains of Hungary, the rear of Serbia is protected by an almost insurmountable barrier, whilst the deep streams of the Save and the Danube defend the front, and lateral ridges from the principal chain of mountains cover the flanks of the province. The surface of Serbia is mountainous, and intersected by only one considerable valley, that of the Morava: the hills are almost uniformly covered with forests of oak, which, while they afford excellent timber for ship-building, as well as sustenance to innumerable herds of swine, present at the same time most embarrassing impediments to the operations of an invading army. For security as well as wealth, Serbia is largely indebted to her forests. The area of Serbia is estimated at 1000 square leagues, and is probably nearly equal to that of Bohemia. The population consists of upwards of a million of inhabitants. The number of men capable of bearing arms must therefore exceed 200,000.

A lengthened disquisition on the ancient history of Serbia would be foreign to the objects of the present article. We shall pursue this branch of our subject no further than it may be studied with advantage, whilst examining the relations which still subsist between Serbia and the surrounding provinces.

The Serbians belong to the great Slavonian, or more properly Slaavian family, of which the Polish and Russian nations have, in modern times, formed the most conspicuous branches. The period of the arrival of the Slaavs in Europe is uncertain: after the fall of the Roman empire, people of this stock probably occupied the whole of Hungary\*, as well as Poland, Russia proper, Bohemia and the countries between the Danube and the Balkan. But in the tenth century the Magyars, the ancestors of the modern Hungarians, a race of wholly distinct origin, drove the Slaavian population from the plains of Hungary to seek refuge in the surrounding mountains;

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\* Paget's Hungary and Transylvania, vol. i. p. 83.

and thus separated the Slaavian race into two great divisions, the northern and the southern, of which the latter soon extended itself over nearly all the countries lying between the Danube, the Euxine and Ægean seas and the Adriatic: the majority of the inhabitants of that peninsula are at the present day found to be of Slaavian origin.

In the earliest period of their history, the southern Slavonians formed several distinct states. Of these, the Bulgarians, who took their name from a Tartar tribe by which they had been subdued, first rose to historical importance. Their wars with the Greek and Latin emperors of Constantinople occupy a large space in the annals of the Byzantine chroniclers. The Serbians succeeded the Bulgarians as the leading Slaavian people. In the early part of the fourteenth century, Stephen Dushan, the king of Serbia, to whom the sovereignty of the country had descended through an hereditary succession of nearly three hundred years, having reduced all the southern Slaavs under his dominion, assumed the title of Emperor of Serbia. His power exceeded that of the former rulers of Bulgaria, and was regarded with proportionate apprehension by the court of Byzantium.

The enmity which existed between the Greek and Serbian nations enabled that people to establish itself in Europe, before which both empires were destined to succumb. The Greeks, blinded by the animosity they entertained towards their ancient rivals the Slaavs, overlooked the danger which must arise from the recent but rapidly increasing power of the Osmanlis. The fall of Adrianople and its occupation by the latter people were therefore viewed less with alarm than satisfaction by the Greeks, who vainly imagined that their formidable neighbour might become a new bulwark of their empire against their northern enemies. Their expectations were so far realized, that they saw the arms of the Turks directed in the first instance against the Serbians. In the year 1389, Sultan Murad invaded the Serbian territory with a mighty army. He was opposed by a still more numerous array, drawn from all the Slaavian provinces, under Lazarus the emperor of Serbia\*. On the plain of Kossova, near the

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\* Cantemir, Hist of the Ott. Emp., p. 42.



confines of Albania, was fought one of the most memorable battles which took place during the struggle of Islam for supremacy over Christendom. The leaders of both armies died upon the field, but victory declared in favour of the Mahometans. The power of the Serbian empire was destroyed, though Serbia itself continued to form an independent state for more than half a century afterwards. During that period the Turkish sovereigns entered into close alliance with the rulers of Serbia, and it was principally by means of Serbian auxiliaries, and recruits drawn from the warlike people of the Slaavian mountains, that the Osmanlis succeeded in establishing their authority throughout Asia Minor. When the power of the Sultans was thus far consolidated, they undertook the final subjugation of Serbia, they dispossessed the prince of the country and reduced it to the condition of a Turkish province. The surrounding Slaavian nations underwent a similar fate. The little district of Cerna Gora alone (known to Europe under the Italian translation of the name, Monte Negro) preserved the independence which it maintains to the present hour.

The Slaavian provinces subject to the ancient emperors of Serbia are unequally divided between Austria and Turkey; the largest and most populous portion of those territories having fallen to the share of the Ottomans.

From the period of the Turkish conquest, the history of Serbia becomes a blank. That event was fatal to all the institutions of the nation, and swept away all the artificial distinctions of society; the descendants of kings and nobles forgot their illustrious ancestry; the PEOPLE alone remained. Cut off from all intercourse with other countries, prevented by difference of religion from becoming fused with their conquerors (as has been the case with Western nations which have experienced a similar destiny), the language and manners of the Serbians underwent less alteration than must have taken place if they had been left at liberty to work out their own civilization. The Mahometans residing exclusively in the towns, the country remained still in the occupation of the Serbians. In the wildest gorges of the mountains, in the deepest shades of the forests, their solitary habitations were placed, so as to elude the observation of the passing traveller.

Each house contained a little community apart, where several generations, frequently with their collateral branches, lived under a patriarchal government.

Thus removed from the sphere of events which agitate and interest the rest of the world, the Serbians cherished with deeper affection the manners and traditions of their forefathers. Their bards, the only historians of a people in such a stage of civilization, celebrated the glories of the reign of Dushan, or lamented the disasters of the fatal field of Kossova. Their language remained the most primitive and uncorrupted of all the dialects spoken by nations of Slavonian origin: the surrounding people descended from that stock continue to regard Serbia as the stronghold and citadel of Slaavian nationality.

Except during the periodical visits of the Turkish proprietors and officers of government, the Serbian peasantry enjoyed in their mountain-homes almost unlimited freedom. Their taxes were light; the *corvée* or forced labour demanded from them was not excessive; they were not bound to the soil, but free to exercise their industry wherever it could be employed to the greatest advantage. In the presence of an Ottoman indeed, whatever might be his rank, the Serbians were required to behave with the deference of inferiors; they were obliged to execute his commands; they must not even resent an insult received at his hands. But the severance of the two populations rendered encounters between individuals of the different nations unfrequent; the Christians avoided the towns, except when carried thither by necessity: many a Serbian lived and died without having even set his foot within the walls of a city.

Yet a few words as to the relations between the Turks and the Serbians. The Ottoman invaders, more merciful than the feudal conquerors, who seized the soil itself and converted the cultivator into the servant of its new proprietor, left the land in the possession of its inhabitants, and reserved to the state merely a tenth of the produce. These tithes were granted to individuals (who received the appellation of Spahis) on condition of their rendering military service to the Sultan.

Like the feudal grants, these dotations were originally con-



ferred for life only ; like the feudal grants, they became, in process of time, hereditary. Thus the Spahis correspond more nearly than any other class in the Ottoman empire to the landed proprietors of Christian countries ; but having no right to the land from which they derive their revenues, they generally fix their residence in the neighbouring cities. Still it is obvious that the interest of the peasant is identified with that of the Spahi. Every act of oppression by which the former is prevented from applying his whole time and attention to the cultivation of the soil, must diminish the income of the proprietor of the tithe as well as the resources of the peasant. On the other hand, not merely the pachas and their subordinate officers, but also the Greek bishops and the inferior clergy of Serbia, being formerly obliged to purchase their appointments from the government and holding them by an uncertain tenure, frequently showed little consideration for the peasant in the mode of exacting the taxes and dues which were to reimburse the outlay they had made, and form a provision for the hour of disgrace and dismissal. Their conduct involved them in frequent disputes with the peasantry, in which the Spahis generally took part on the popular side ; and we shall find that it was in the cause of the Spahis that the Serbians first drew the sword, by which they have conquered the privileges they at present enjoy.

Towards the end of the last century, the Janissaries, of whom there were not a few in Serbia, and who were then, as they remained up to the hour of their destruction, the scourge of the Turkish empire, had become involved in violent disputes with the Serbian Spahis. At the breaking out of the last war between Turkey and Austria, several Spahis fell victims to the rage of the Janissaries. Their fate remained unavenged till the conclusion of the war in 1790, but it had not been forgotten. The Porte, apprehensive of fresh disturbances between the Janissaries and the Spahis, determined on sacrificing the former. Their chief was destroyed and a firman was published, banishing them from Serbia, which they did not venture to disobey. For a short period after the expulsion of these military tyrants, the Serbians, as well Mahometans as Christians, enjoyed the blessings of public order and tranquillity ; but their happiness was destined to be of brief duration. The expelled

Janissaries having obtained the assistance of Paswan Oglou, the rebel pacha of Widin, prepared to return into Serbia. Turk and Christian armed to oppose the invasion, and fought side by side in defence of their common country. In this conjuncture the Porte was unfortunately induced to recall the sentence of banishment it had pronounced against the Janissaries; their association, extending over the whole empire, could not be attacked at any point with impunity. In Constantinople a religious cry had been raised, that true believers were suffering exile for the sake of infidels; the government was, besides, probably desirous of putting an end to a contest which might give occasion to fresh disorders.

The consequences of the recall of the Janissaries were such as might have been anticipated. Oppression on their part was followed by acts of retaliation, and these again by greater excesses; at length they surprised Belgrade and shut up the pacha in his own citadel; having obtained access to the place, they assassinated him as a false Turk and a favourer of the Christians. The whole government of the country then fell into the hands of the Janissaries, and was exercised with the utmost irregularity and oppression. The Spahis were obliged to fly, and the Serbians were impoverished by exactions which had never before been permitted in the province. Turks and Christians addressed petitions to the Sultan for deliverance from this intolerable servitude. The Porte having menaced the Janissaries with chastisement at other hands than those of Osmanlis, the Dahis (such was the name which the four chiefs of the Janissaries had assumed) concluded that a general levy of the Serbian population was in contemplation, and resolved to prevent its execution by exterminating all the persons who appeared likely to become leaders of a movement of this nature. The most notable men amongst the Serbians fell victims to this atrocious policy.

But the limits of endurance had been at last attained. Several individuals who knew themselves to be already marked out for destruction, amongst whom was Cerny George, a man of powerful but impetuous character, determined to anticipate the danger which they considered inevitable, and at least to enjoy the satisfaction of knowing that the triumph of their victors would not be unalloyed with regret.



Having commenced the insurrection by attacking some open villages and burning the houses of the officers appointed by the Dahis, they despatched messengers in all directions, summoning every Serbian capable of bearing arms to join the national standard, bidding them at the same time send their wives and children for safety to the mountains. The mandate was obeyed with alacrity by the Serbian people. The Mahometan population of the smaller towns fled in confusion to the principal fortresses. The governors of these places and the other soldiery in the pay of the Dahis treated the insurrection with contempt. They laughed to scorn the idea that Serbian herdsmen, trained to submission and inured to insults, would await for an instant the charge of the Ottomans; they believed and boasted that one Turk could put to flight fifty Serbians. But their opinions underwent a change, when, in several casual encounters, detached bodies of Turkish troops were cut off almost to a man by these despised adversaries. At the very outbreak of the insurrection the Serbians had perceived that their efforts must be combined in order to be successful; they therefore determined that a general-in-chief of the national army should be appointed, and the choice of the people fell upon Cerny George. The Serbians had already invested Belgrade when the Porte resolved to interfere in this quarrel. Bekir Pacha, with an army of 3000 men, was despatched to enforce the claims of the Spahis. The Pacha was received with the highest honours by the Serbians; but his approach so much alarmed the Dahis, that they fled by night from Belgrade and took refuge at New Orsova. Their heads were shortly afterwards brought into the Serbian camp.

On the destruction of the Dahis, the Pacha considered that his mission and that of the Serbian army was accomplished. He commanded the latter to disband and to return to their homes; but the Serbians hesitated to obey his orders, and weighty reasons were not wanting to justify their conduct. Though the rule of the Dahis was at an end, no legitimate government had been established in its place. The authority of the Pacha of Belgrade was not acknowledged by the Turkish troops in possession of the other fortified towns: to the citadel of Belgrade itself he could not command admittance. Had the Serbians laid down their arms, they would in all

probability have submitted, not to the Porte, but to some new usurper of its sovereignty. Bekir retired from the province and left the Serbians in this difficult and perplexing situation. They continued the war against the partisans of the Dahis, who refused to evacuate the southern fortresses, until at length the Porte ordered the Pacha of Nissa to advance into Serbia and disarm the people. The Serbians now for the first time appear in hostility to the Porte.

It is not our intention to give a detailed account of the war which ensued; it is sufficient to state that the Serbians were almost uniformly victorious. A Turkish army of 30,000 men was defeated by Cerny George: he attacked and surprised Belgrade; the other fortresses were reduced, or surrendered to the Serbians. In the year 1807 they found themselves in undisputed possession of the whole principality. It was natural that the Serbians, after they had resolved to disobey the commands of the Porte, should seek the alliance of a foreign power. Russia, already at war with Turkey, willingly promised, and in fact rendered them some assistance, but not until after they had succeeded in freeing their country from the presence of the Turks. In the campaign of 1809 the Serbians took several towns beyond the frontiers of the province, and Cerny George was at one moment on the point of establishing a permanent communication between Serbia and Monte Negro by the capture of Novy Pazar, the only military obstacle to the union of the two countries. The success of this enterprise must have had most important consequences\*; not merely by enabling Serbia to draw supplies from the Adriatic, but also by its moral influence. Cerny George was indeed obliged to renounce this favourite project; still the Turks were on the whole so unsuccessful in the campaigns of 1809, 1810 and 1811, that they offered, on condition of passage being granted to some Bosnian troops, to erect Serbia into a separate principality, with a constitution and privileges similar to those of Wallachia and Moldavia, secured by the guarantee of any European power excepting Russia. Cerny George, however, declared that he would

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\* The distance between the frontiers of Serbia and Monte Negro is about sixteen leagues.



treat in conjunction with his allies only ; and by the advice of the Russians the proposal was rejected.

Serbia found reason to lament the reliance she had placed on foreign assistance, when in 1812 it became of importance to Russia, threatened with invasion by Napoleon, that the war with Turkey should be brought to a conclusion. By what arts she succeeded, under such circumstances, in obtaining from the Porte terms so favourable to herself as those contained in the treaty of Bucharest, is involved in uncertainty\*. The interests of the Serbians were sacrificed, as might have been expected. The point on which they had principally insisted,—the retention of their arms,—the cause of their rupture with the Porte, and the paramount necessity of the nation, was passed over in silence ; it was provided by the eighth article of the treaty†, that all the defences which the Serbians had erected during the war should be destroyed, and that the Turks should be allowed to take possession of the fortresses. The Serbians obtained no concession in return for these sacrifices, except a stipulation that the amount of their tribute should be fixed, and that they should enjoy the administration of their internal affairs,—concessions which the Turks would

\* The Greek prince Mourousi, by whom the treaty of Bucharest was negotiated on the part of the Porte, was shortly afterwards executed.

† The following is the eighth article, which we shall give entire, as it forms the basis of the pretensions of Russia to interfere in the affairs of Serbia :—" In conformity with what is stipulated in the fourth article of the preliminaries, although it is certain that the Sublime Porte, agreeably to its principles, will display clemency and generosity towards the Servian nation, which is of old subject and tributary to that Power ; nevertheless, considering the share which the Servians have taken in the operations of this war, it has been judged fitting expressly to stipulate for their security. Accordingly the Sublime Porte grants pardon and general amnesty to the Servians, and they shall not be disquieted in any manner for their past actions. The fortifications which they may have raised in consequence of the war in the countries inhabited by them, and which did not exist of old time, being henceforth useless, shall be destroyed ; and the Sublime Porte shall re-enter into possession, as she was in former times, of all the fortresses, block-houses and other fortified places which have at all times existed, together with the artillery, ammunition and other articles and military stores, and she shall establish garrisons therein, as shall seem good to her. But in order that the garrisons may not exercise any species of vexation against the Servians, in disregard of their rights as subjects, the Sublime Porte, influenced by a sentiment of clemency, will settle with the Servian nation the securities which shall be necessary for that purpose. She will grant to the Servians, at their request, the same advantages as are enjoyed by her subjects in the islands of the Archipelago and in other countries, and will cause them to experience the effects of her exalted clemency by conferring upon them the administration of their internal affairs, by fixing the sum-total of their tributes, by receiving the same from their own hands ; and finally, she will settle all these matters in concert with the Servian nation."—*Treaties and Hatti-Sheriffs relating to Servia, presented to the House of Commons by the Queen's command, May 1843, p. 1.*

willingly have made on easier terms in many previous conjunctures. But by inserting this article relating to Serbia, Russia succeeded in throwing a veil, however transparent, over her faithlessness to her allies, and obtained what she probably considered a much more important advantage,—a pretext for interfering in their internal government on some future occasion.

We have related thus minutely the events which preceded the conclusion of the treaty of Bucharest, because on the terms of that compact depended the whole question lately at issue between Russia and the Porte. There exist no other treaties between the two countries containing stipulations relative to Serbia, except the convention of Ackermann and the treaty of Adrianople. Now the latter treaties, as far as they refer to Serbia, merely confirm, without enlarging, the provisions of the treaty of Bucharest; the treaty of Bucharest therefore determines the limits of the right of Russia to interfere in the affairs of Serbia. Beyond those limits the general law of nations must prevail, which recognises no authority whatever in the Emperor of Russia to legislate for the subjects of the Sultan of Turkey.

+ Soon after the conclusion of the treaty of Bucharest, hostilities were resumed between Serbia and the Porte. Hopes had indeed been entertained of an amicable termination to the contest: the Serbians, left to contend single-handed with the whole power of the Turkish empire, had determined to insist no longer on retaining possession of the fortresses; but the Turks required the surrender of the small arms also: the Serbians would not submit to this condition, and the war was renewed on the original cause of quarrel.

+ Changes had in the mean time taken place in the internal administration of the province, which exercised the most material influence over the events of the war. The supremacy of Cerny George, at first only partially and unwillingly acknowledged by the other chiefs of the insurrection, was now universally recognised; and it might certainly have been expected that the strength of the Serbian nation would have augmented with the tendency of its government to a monarchical form. The contrary was unfortunately found to be the case. In order to establish his own authority, Cerny George



had been obliged to displace some of the most successful leaders of the national army. Their posts were filled by men more disposed to yield obedience to the supreme authority than their predecessors, but possessing neither the same military experience, nor the same influence with their followers: the bond of mutual confidence between the general and the soldier, the surest omen of victory, was in this manner destroyed.

Such was the position of affairs in Serbia at the commencement of the disastrous campaign of 1813, when the Turks, following their usual plan of operations, invaded Serbia at three points; one army entering the country from Bosnia, another from Bulgaria by Nissa, and a third following the course of the Danube from the pachalick of Widin. Whilst Cerny George remained in the interior, in order to collect an army of reserve that might afford assistance at the point where its presence should be most required, the Serbians marched in three divisions to arrest the progress of the enemy. The corps which was destined to dispute the passage by the Danube was the weakest in numbers, although opposed to the largest of the Turkish armies, but it was commanded by Veliko, the Achilles of the Serbians. Compelled to shut up his small force in the fortress of Negotin, his incessant sallies caused great loss to the enemy: but his garrison was soon reduced to a mere handful of men; his ammunition failed\*; his earnest entreaties for reinforcements and supplies were disregarded. At length he fell, and with him fell Negotin, the only barrier between the Turks and the heart of Serbia. They marched along the bank of the Danube, laying waste the country with fire and sword. Panic and despair preceded them: the reserve under Cerny George had never been collected; or, if collected, it dispersed without a blow. The Turks were suffered to cross the Morava: a few weeks seemed sufficient to destroy all that it had required years of toil to accomplish. It is not surprising that when affairs had assumed this desperate aspect, Cerny George and the principal leaders of the revolution sought safety in exile: that one of them should have determined to remain in Serbia is more remarkable. It

\* When he had shot away everything else he used dollars instead of grape or canister.

was this act of devotion which rendered Milosh Obrenovitj thenceforward the hope of his country. After a vain attempt to rally the scattered fragments of the national army, Milosh tendered his submission to the new pacha of Belgrade; the pacha received him honourably and requested his cooperation in disarming and tranquillizing the Serbians.

For a time the measures of the Turks were ably seconded by the influence of Milosh; but when he perceived that they had determined on pursuing a rigorous and sanguinary policy, he secretly organized the means of resistance. On Palm Sunday, 1815, Milosh raised the standard of a fresh insurrection. Fortunately for Serbia, his abilities were proportionate to the difficulties of his position. Though endowed with that *bon-homme* which converts followers into friends and extorts regard even from enemies, Milosh was inexorable towards offences tending to increase the perils which surrounded his country: where safety could be attained by caution, he postponed arms to policy; but when wisdom prescribed boldness, no Delhi could display more desperate audacity. Under his auspices the Serbians slowly reconquered the ground which had been so suddenly wrested from them, except Belgrade and the five other principal fortresses\*. In 1817 two pachas were sent against Serbia, each ambitious to obtain the credit of having pacified the province. With consummate dexterity Milosh took advantage of their rivalry to conclude a truce with one of them, by which the Serbians were permitted to retain their arms and to share the administration of the country with the Osmanlis.

For ten years this was the position of affairs in the province. Milosh was recognised by the Turks as the chief of the Serbian people, and was responsible to the Porte for the maintenance of public order and tranquillity. The Serbians remained armed; the Turks retained possession of the fortresses. During the earlier half of this period, negotiations were carried on between Milosh and the Porte with the view of establishing a scheme for the internal administration of the province on a legal and permanent basis: in the year 1821 these negotiations were broken off in consequence of the

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\* Shabac, Semendria, Uxice, Sokol, and New Orsova.



insurrection of Ypsilanti in the principalities and the commencement of the Greek revolution. The Porte, fearing that the Serbians might be induced to take part in this movement, detained the deputies whom they had sent to Constantinople for the purpose of arranging with the Divan the details of the projected constitution, as hostages for the fidelity of their countrymen. In May 1826, Russia presented a note containing certain requisitions to the Turkish government, and signified that on compliance with these demands depended the maintenance of peace between the two countries. The convention of Ackermann, signed in October of the same year, was the result. It refers principally to the government of Wallachia and Moldavia, but it also contains an article\* providing that the stipulations of the treaty of Bucharest relative to Serbia shall be carried into effect; and it was accompanied by a separate act, declaring that the Porte would regulate, in concert with the Serbian deputies, the demands which the latter might lay before her.

In January 1827, Milosh was solemnly recognised by the Serbian people as their prince, and the dignity was declared hereditary in his family;—a measure, like many other public acts of the Serbians, full of political wisdom; since, by disclaiming the *privilege of periodically electing their rulers*, they withheld from the grasp of Russia one of the most powerful instruments by which she has worked the dismemberment of conterminous nations.

The negotiations between the Serbian deputies and the Divan, resumed after the conclusion of the convention of Ackermann, were soon again interrupted by the war which broke out between Russia and the Porte. That war was terminated in September 1829 by the treaty of Adrianople, which contains an agreement† on the part of the Turkish government to carry into effect the provisions of the separate act above alluded to within a specified time. The Porte accordingly, in the years 1829, 1830 and 1833, published three firmans regulating many points in the internal government of the province; placing every branch of administration in the hands

\* Treaties and Hatti-Sheriffs presented to Parliament, p. 3.

† Ibid. p. 5.

of the Serbians, and forbidding the Osmanlis to reside in any part of the principality, excepting the six fortified towns occupied by Turkish garrisons. By these firmans the right of the prince to maintain a military force is fully recognised, and the total amount of tribute payable by Serbia, including custom-house duties at Belgrade and the revenues of estates belonging to Turkish proprietors, is fixed at 2,300,000 piastres (about 23,000*l.*). In the year 1830 the Porte transmitted to Milosh a berat or patent of dignity running in the following terms:—"The actual prince of the Serbian nation, Milosh Obrenovitch, having furnished proofs not equivocal of his fidelity, the dignity of Knez of the Serbian nation is assured to him in perpetuity: after his death it will pass to his eldest son, and after this to his grandson, and it will then remain restricted in his family. But in case of vacancy in the dignity of prince, an imperial berat from the Sublime Porte shall be again published and expedited."

Although the government of Milosh was generally popular in Serbia, it did not give universal satisfaction. During the early part of his reign, (if it may be so termed,) when the country was a camp in the presence of an enemy, he was rather the general than the civil ruler of the Serbians: under such circumstances it was essential to the safety of the state that the authority of its chief should be unlimited; but when it appeared obvious that the Porte had relinquished all intention of reducing the country to its ancient state of servitude,—when the title of Milosh, as prince of the Serbian people, had been solemnly acknowledged and ratified,—the conviction began to grow amongst his subjects, that the time had arrived when their rights also should be legally defined and established.

To one who for more than ten years had enjoyed absolute authority, such demands, however just in themselves, could scarcely fail to appear unreasonable. The class however from which Milosh experienced the most formidable opposition consisted of persons in the employment of the government; a class which, in a state like Serbia, possessing no other aristocracy, must always enjoy very considerable influence. Many of these functionaries had rendered services to their country secondary only to those of Milosh himself: they now per-



ceived, not without bitterness, that he alone had derived any personal advantage from labours in which all had participated. They compared their own situation, entirely dependent on the generosity of a prince, who was no spendthrift of the national resources, with that of the Boyars of Wallachia and Moldavia, endowed with large estates and living in comparative opulence and splendour. These combined causes produced in 1835 a revolt against the government of Milosh; and the insurrection, though easily suppressed, induced him to grant a constitution to Serbia. We shall not undertake the task of examining the provisions of the Serbian charter: it was accompanied with no better success than has commonly attended experiments of a similar nature: after producing some remonstrances from foreign powers against its too liberal tendency—remonstrances which were probably less fatal to its existence than the inherent defects which its construction exhibited—it fell from disfavour into disuse, and Milosh relapsed into his old habits of government. But he had provoked an enemy more dangerous to his authority than either the discontent of the *bureaucracy* or the constitutional spirit of the people. When the Greek insurrection broke out, Russia, by whom the train of disaffection had been laid in every part of the Turkish empire, pressed Milosh to join in the movement: he steadily refused to seize the opportunity of striking a blow at his ancient adversaries. When Russia entered into open hostilities with the Porte in 1827, she again requested the assistance of Milosh, but he preferred his allegiance to the Sultan to an alliance with the Emperor. From that hour the dethronement of Milosh was decreed.

It was effected in this manner:—The failure of the constitution of 1835 had not entirely damped the ardour of those who desired to see the authority of Milosh in some degree restricted and limited; they endeavoured to persuade the Divan to modify the form of government which had been adopted in Serbia. Their efforts were seconded by Russia, and through her influence the firman of December 1838 was obtained, which forms the actual constitution of the Serbian nation\*.

\* Statute in the shape of a firman. See Treaties and Hatti-Sheriffs presented to Parliament, etc., p. 17.

By this organic statute the executive power is left in the hands of the prince, but the whole legislative authority is transferred to a council or senate. The councillors are seventeen in number; one for each of the districts into which Serbia is divided. They are chosen by the prince from the notables of the country; but when once elected they cannot be dismissed, "unless it be made evident to the Porte that they have been guilty of some offence against the laws and statutes of the country." Now as it is also declared that no new law can be adopted and no new tax levied without having been in the first instance approved by the council,—notwithstanding it may be inferred, though not expressly provided, that the prince possesses a veto on laws so approved,—still it is evident that the statute almost annihilates the legislative power of the prince. It was not to be expected that Milosh would readily submit to become the servant of a senate, or that he would willingly lay aside the dignity of an almost absolute ruler, for a condition similar to that occupied by the Doge in the ancient constitution of Venice. In less than six months after the promulgation of the organic statute, Milosh endeavoured to rid himself of his senate by a *coup d'état*. The attempt failed, and on the 13th of June, 1839, he was obliged to abdicate in favour of his eldest son Milan.

Milan, whose health had always been extremely feeble, survived his accession only a few weeks. He died in July 1839.

By the death of Prince Milan without issue, the right to the sovereignty of Serbia devolved upon his younger brother Michel; and although the late attempt of Milosh to destroy the constitution had rendered the family of Obrenovitch unpopular,—although Prince Michel was a minor, residing with his father in exile,—the Serbians, as well the people as the senate, wisely determined on respecting the principle of hereditary succession, and Michel was proclaimed Prince of Serbia.

A cause of dissension now arose which long agitated the province: Milosh had scarcely crossed the Danube when he protested against his act of abdication. Hoping to obtain his own recall, he opposed the return of Prince Michel: when this was extorted, by a declaration of the senate that they would proceed to a fresh election if the prince did not arrive



within a limited period, Milosh still laboured, principally through the agency of his wife, the Princess Lubica, to excite a general feeling throughout the country in favour of his own restoration. Towards the end of 1839, Prince Michel, then only sixteen years of age, received the robe of investiture from the hands of his equally youthful suzerain, Sultan Abdul Medjid: the majority of the prince was at the same time acknowledged, but the Porte appointed two counsellors to assist him in the duties of government. These were M. Petronievitj\*, a man possessing great talents and acquirements, who had filled the office of minister of foreign affairs under Milosh, and M. Vuchitj, the general and favourite leader of the national army. They had, in conjunction with Efrem Obrenovitj, the brother of Milosh, constituted a regency during the interval which elapsed between the abdication of the latter and the investiture of Michel. Although these ministers, whose names have since acquired an European celebrity, had supported with their whole influence the hereditary succession of the house of Obrenovitj, yet they had frequently acted in opposition to the arbitrary measures of Milosh, and were known to be entirely averse to his recall into Serbia. Hence the act of the Porte appointing them sole counsellors of Prince Michel (to the exclusion of Efrem Obrenovitj from the influence he had hitherto enjoyed in the government) was received with the utmost dissatisfaction by the adherents of Milosh, and was denounced by them as unconstitutional and contrary to the organic statute. In May 1840 an insurrectionary movement in favour of Milosh obliged the two counsellors to resign, and occasioned the appointment of a commissioner, on the part of the Porte, charged to inquire, in conjunction with the Russian consul, into the cause of these dissensions. The investigation proceeded slowly, and the commissioner was recalled before it could be brought to any definite conclusion: in order to ensure the tranquillity of the country until the de-

\* We have generally adopted the Serbian orthography in preference to the German, Polish or Russian, which are made use of alternately in spelling Serbian names by European newspapers; partly because the Serbian presents fewer deviations from our own than the other three. It is only necessary to remark that the Serbian *C* is pronounced like the English *Ts*, Cerny like Tserny, Lubica like Lubitsa; the Serbian *ch* as the English *tch*, and the *j* as *y*, *tj* like the opening sound of the second syllable in the English word *nature*. Vuchitj is pronounced Vouchitye, Petronievitj as Petróniavitye, Obrenovitj as Obrénovitye.

cision of the Porte should be made known, all persons against whom any accusation had been brought were enjoined to leave Serbia for the moment. In obedience to this decree, MM. Petronievitj and Vuchitj quitted the principality: their temporary exile produced important consequences; it led to their protracted residence at Constantinople, during which they became, for the first time, fully conscious how fraught with danger to the liberties of their country are the designs and policy of Russia.

This may be the place to say a few words on the nature and extent of the moral influence exercised in Serbia by the Russian government. In the first place, there is so great an affinity between the languages of the two countries, that Russian (and fortunately Polish\*) is intelligible to the Serbians. It must also be remembered that the first people boasting any degree of European civilization with which the Serbians in modern times formed any intimate relations were the Russians, and that they became known to the Serbians in the character of allies and protectors. Under such circumstances, it is not surprising that an enthusiastic feeling in their favour should have pervaded the Serbian people during the first years of intercourse between the two nations; but the conduct of the Russian government, in relation to the treaty of Bucharest, tended much to diminish this feeling, and subsequent events have converted it into fear and detestation. The Serbians have become instructed in the modern history of Russia, and have profited by the lesson as well as by their own experience. Although professing the Greek religion, their church is independent; the patriarch of Constantinople is merely entitled to confer investiture on the Serbian metropolitan, the Archbishop of Belgrade; the clergy is strictly national, both by birth and education, nor is their influence

\* An article appeared lately in a morning newspaper (the solitary organ we believe which the Russian government possesses in this country) complaining of the conduct pursued by many Polish refugees who employ themselves in denouncing the inordinate ambition of Russia, and attributing to their exertions the groundless apprehensions prevalent throughout Europe concerning the designs of that harmless and pacific power. The irritation which the article betrays is encouraging, for it affords reason to believe that the labours of the Poles have not been unsuccessful; and the assurance which the author possesses is amusing, for he appears to flatter himself that his readers have forgotten by whom these missionaries were despatched to every nation of the earth, by whom they were furnished with their most apt illustrations and their most convincing arguments.



with the people considerable. Religious sympathy therefore, which in some countries affords Russia very powerful assistance, avails her but little in Serbia; and in order to maintain any direct power over the counsels of the nation, she finds herself compelled to trust entirely to the influences of flattery, of favour and corruption; influences from which the great majority of the people must happily remain excluded.

Prince Michel was known, even before he became ruler of Serbia, to be an ardent admirer of Russian manners and institutions, and a strenuous advocate for the policy of relying on that power for protection and assistance; nor when he was called to the government of the province did he fail to select for his most intimate advisers men who were infected with similar political sentiments. At the commencement of the year 1841, serious disturbances broke out amongst the Christian population of Bulgaria: proofs were supplied to the Porte that the insurrectionary spirit had been stimulated by Russian emissaries, and that neither the Princess Lubica nor Prince Michel were strangers to their proceedings; that a general rising of the Bulgarians had been projected, and that the Serbian government had undertaken to furnish the supply of arms necessary for the success of the enterprise. The insurrection was suppressed with some bloodshed; but the part which Prince Michel had taken in the conspiracy drew down upon him the just indignation of the Turkish government: it also excited the hostility of Austria, who saw with dismay this audacious attempt of the partisans of Russia to extend her domination to the right bank of the Danube. The conduct of Prince Michel had in the mean time created domestic as well as foreign enemies. His subserviency to Russia was viewed with dislike by the Serbian people, and his unpopularity was increased by the perpetual attempts of his mother, the Princess Lubica, to bring about the restoration of her husband. Consciousness of the general disaffection which existed against his government rendered the prince suspicious, and suspicion generated cruelty: executions were frequent, and modes of capital punishment, accompanied by torture, which had long been abolished in Serbia, were revived.

About the middle of the year 1842, MM. Petronievitj and

Vuchitj received permission from the Porte to return into Serbia. They had scarcely reached Belgrade when M. Vuchitj found himself called upon by the general voice of the Serbian nation to deliver his country from the tyranny of Michel. The oppression he had exercised and the dangerous policy he had pursued justified resistance. M. Vuchitj repaired to the capital, Kragujevac, and was received with enthusiasm by the military stationed in its vicinity. The people flocked from all sides to his standard: he marched upon Belgrade. Prince Michel with such forces as remained faithful to him hastened to quell the insurrection, but his troops were totally defeated and he fled from Serbia. A provisional regency was then formed, consisting of MM. Petronievitj, Vuchitj and some others. They summoned Prince Michel to return to Belgrade, and on his neglect to answer their citation they hastened to supply the defect in the government which his absence occasioned, by proceeding to the election of a new prince of Serbia. A general assembly of the people was held near Belgrade about the commencement of September 1842. The feelings of the Serbians were so strongly excited against the house of Obrenovitj, that it would have been vain to demand their suffrages for any member of that family; but such was the enthusiasm expressed by the meeting in favour of MM. Vuchitj and Petronievitj, that if either of them had offered himself as a candidate he must have been instantly elected. Each however absolutely refused to avail himself of this disposition of the people, and wisely determining to adhere as much as possible to the principle of hereditary sovereignty, they proposed for the choice of the assembly two descendants of Cerny George, the first chief of the Serbians: these were Alexander, his second son, a man of about forty years of age, and George, his grandson, a youth of sixteen or seventeen, the son of Alexander's elder brother, who had died some time previously. The difficult position of the nation appearing to require that its ruler should possess the advantages of experience and a mature intellect, the choice of the people fell upon Alexander.

The dethronement of Michel had been displeasing to Russia only; but the Porte alone was satisfied with the election of Alexander. Desirous above all things to see union prevail



amongst the Serbians, in order that no pretext might be afforded for Russian interference, the Divan hastened to confirm an appointment which they knew to be in accordance with the general sentiments of the people. Austria, on the other hand, having long supported the pretensions of Prince Milosh, from a conviction that he was less obnoxious than his son to the influence of Russia, received with displeasure intelligence of an event which rendered her long-cherished project abortive; and for some time after the revolution of September, she appears to have had in contemplation an armed intervention in Serbia for the restoration of Prince Milosh. With great dexterity, the Princess Lubica induced the English and French consuls not merely to forward most incorrect accounts of the recent events in Serbia to their respective courts, but she also persuaded them to join in a measure which scarcely any state of circumstances could have justified, a formal protest\* against the *de facto* government of Serbia.

As long as the other powers pursued such measures as these in opposition to the national movement in Serbia, Russia remained passive; merely denying their right to interfere in the matter, and claiming for herself the exclusive protection of the principality. But when the real condition of the country became generally known; when the English government had received despatches from their ambassador at Constantinople, of a totally different tenor from the reports of their consul at Belgrade; when Austria, having perceived that the party of Milosh was all but extinct in Serbia, had renounced her projected intervention in his favour; when it became evident, in short, that the country was enjoying a state of perfect political tranquillity, then Russia adopted a different line of policy and displayed her real sentiments with respect to the Serbian revolution.

The Porte had from the first, as we have already observed, declared her approval of the election of Alexander; and she shortly afterwards, in compliance with the provisions con-

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\* The English consul was reprimanded for his precipitate conduct on this occasion. "Her Majesty's government suggested to the consul-general, that in taking such an active part as he had, they were of opinion he had to that extent exceeded his duty."—Lord Aberdeen's speech in the House of Lords, May 5th, 1843.

tained in the firman of October 1830, transmitted to him a berat, confirming his election and rendering the dignity of prince hereditary in his family. The Porte no doubt hastened to take this measure from a persuasion that it would be considered irrevocable,—from a conviction that if Russia should venture to demand its cancellation, she would not be seconded by the other European powers in extorting a concession which must degrade the Turkish empire from the rank of an independent nation. The event proved how much these calculations were mistaken. Towards the end of the year 1842, matters began to assume a serious aspect between Russia and the Porte. The Emperor wrote an autograph letter to the Sultan, couched in the most peremptory language, in which he demanded the immediate recall of the berat of investiture, the deposition of Prince Alexander and the banishment of the two ministers, nor did he fail to express the utmost indignation at the conduct of the Porte in taking part against Prince Michel. The Sultan also wrote an autograph letter in answer to this communication: it detailed the treasonable practices of Prince Michel, pointed out the dangers that his misconduct had entailed upon the empire, and asserted, in firm but dignified language, that his deposition was the work of the Serbians themselves, whom he had grossly outraged and oppressed. The Sultan's letter was placed in the hands of the Russian ambassador, M. Boutinieff, who alleged that he dared not transmit it to his court; he consented at length to write a despatch to St. Petersburg, communicating the tenor of the letter, unofficially, as his impression respecting the nature of its contents; and he declared this insulting proposal to be a concession which nothing but his profound feelings of respect for the Turkish government could have induced him to admit. The reply of the Emperor signified approval of the conduct of the ambassador and astonishment at the presumption of the Porte. In obedience to the directions contained in this despatch, M. Boutinieff presented a note in the form of an *ultimatum* to the Turkish government, requiring instant compliance with the previous demands of the Emperor.

This was the moment when the Sultan should have been supported by his allies in the position he had taken up: the sacrifice required from him was enormous: to cancel an im-



portant act of his government, to recall a dignity he had actually conferred, to break the pledge of protection he had solemnly recorded: such were the commands of Russia, accompanied by unequivocal threats of a resort to arms in case of disobedience. Nor was her demand less unjust than derogatory to the dignity of the Sultan. Serbia still remains an integral part of the Turkish empire. In the differences of the Serbians amongst themselves, in their disputes with the Porte, Russia possesses no right of interference which she has not acquired by treaty; but her treaties, whether taken by themselves in their literal terms, or read in connexion with the events which led to their conclusion, plainly confer on her a right of interference for the protection of the Serbians only, not for her own advantage; a right which cannot arise except on the fulfilment of two preceding conditions: the first, an infraction by the Porte of the stipulations it has entered into in favour of the Serbians; the second, an appeal by the Serbians to Russia for her assistance against the Porte. Even if the Porte should disregard the engagements it has contracted in their favour, the Serbians are at perfect liberty to acquiesce if they please in the departure from an agreement entered into for their own benefit: *volenti non fit injuria* is a maxim of universal application. The protection which is forced on him who is unwilling to receive it, is violence, not protection. We look in vain for proof, we cannot succeed in finding even a pretence, that the Serbians ever desired, still less demanded, the interference of Russia in this matter. We are far from admitting that they had received injury at the hands of the Porte; we utterly deny that the Serbian revolution was other than the work of the Serbian nation; but we are anxious to point out that, could it even be established that Prince Alexander was placed on the throne in opposition to the will of the people, the interposition of Russia would not be justified unless she could show that the people were willing to purchase his deposition at the price of her interference.

The representatives of the European powers at Constantinople gave their unqualified approbation to the conduct pursued by the Porte. Sir Stratford Canning urged on the attention of the English ministry, in the strongest language he could employ, the loss of dignity and authority the Sultan

must inevitably incur by conceding to menaces of violence, a point which honour as well as interest required him to maintain. But these efforts were utterly useless. Austria and England had decided against the Porte, France and Prussia followed their example. Not content with refusing assistance to Turkey, the four great powers joined in commanding her to yield to her adversary. The Porte then had no alternative; on the 15th of April she signified her submission to the Russian ambassador. It was received with an exultation that defied concealment.

Before the intelligence of this consummation had arrived in England, an opportunity had been afforded to Lord Aberdeen of defending the policy he had pursued with respect to the Serbian question. The matter was brought before the House of Lords in an able speech by Lord Beaumont. Lord Aberdeen in the course of his reply made some remarkable assertions, showing that he was singularly ill-informed with respect to the events which had taken place in Serbia and the real state of that country. Speaking of the election of Prince Alexander, he said, that "a youth\*, at that time living in "obscurity, was placed on the throne;" and added, "he had "very little doubt, that, in a short time, we should see the "youth at the head of the government but too happy to make "his escape from the people over whom he reigned." Lord Aberdeen then proceeded to draw a picture of the anarchy and terrorism prevalent in Serbia; although the country was, in fact, as tranquil as any part of the continent. He declared that we "had no motives for interfering" in the Serbian question. "We were no parties to the treaties between Russia and the Porte. No question affecting the honour of this country was concerned in the interpretation of these treaties;" but his lordship drew his principal argument from the line of conduct which had been pursued by Austria: he observed,—

"Even if we entertained any doubt about the precise stipulations, and

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\* Lord Aberdeen's error probably arose from the fact mentioned above, that a grandson of Cerny George was actually put in nomination for the vacant sovereignty of Serbia. His lordship's statements were nearer the truth on this point than almost any other which he referred to. It must be remembered that eight months had now elapsed since the revolution, time enough, one would have imagined, to obtain correct information respecting the circumstances of that event. During the whole of the period an English consul, Mr. Foublanque, resided at Belgrade or Semlin.



the effect of the stipulations in these treaties, to which we were no parties,—but if we had entertained doubts, and had thought that the interpretation put upon them by Russia, and the right claimed under them was wrong, he should like to know what was the course which, as men of common sense and common prudence, we ought to have followed under such a supposition? Why, of course, in the first instance, we should naturally look to the power which of all others was most interested in the preservation of Serbia as a neighbouring state, possessing a population of a similar character, and in every view called upon to exercise an influence far beyond that which this country could possibly have. What was the course taken by Austria? \* \* \* \* The course which Austria took as judge of this affair was to support, unequivocally and decidedly, the pretensions of Russia upon this subject, and to counsel the Turkish government without delay to acquiesce and to do justice to the demands of Russia, and to fulfil the engagements existing under the treaties to which he alluded\*.”

We shall not pause to ask whether the duty of an English Secretary for Foreign Affairs does not require that he should deduce his opinion on an important question affecting the equilibrium of Europe, rather from a careful examination of all the circumstances and bearings of the case, than from the judgement which may have been passed upon them by the minister of another power; since this point was treated by Lord Palmerston, during the debate on Serbian affairs, which afterwards took place in the House of Commons, in a manner that renders any further commentary superfluous. But we venture to suggest to Lord Aberdeen that (to use his own expression), as a man of common sense and common prudence, he ought, before he determined that he would be guided implicitly by the conduct of Austria in this matter, to have ascertained that there were no peculiar circumstances in her situation which might render such a course impolitic, or at least dangerous for her, which might be both politic and perfectly safe for this country. Now we do not think it will be difficult to show that such circumstances did in fact exist.

We have already endeavoured to give some idea of the extent and importance of the southern branch of the Slaavian or Slavonian race: a glance at the map which accompanies this article will render their geographical position more intelligible. The countries are there denoted in which the population is of almost pure Slaavian descent, as in Serbia, Bosnia, Illyria, Sla-

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\* From Hansard's Parliamentary Debates.

vonia Proper ; and also those where, though the towns are occupied by a mixed population of Turks, Greeks and other races, as in most parts of Bulgaria, the inhabitants of the country are nevertheless Slavonian. Now it must not be imagined that all recollection of their former independence has been effaced from the minds of this great people by the four centuries of subjection which they have undergone. Within the Turkish dominions, symptoms of reawakened Slavonian nationality have of late years been manifested, not merely in Serbia, but also in Bosnia and Bulgaria. It is however amongst the Slaavian population of the Austrian dominions that this spirit has been displayed with the greatest force and activity. Whether originally excited by the example of the Magyars, and their successful endeavours to preserve their Hungarian nationality in opposition to the policy of the government, or by their impolitic attempt to extend that nationality beyond its just limits, by forcing the use of the Magyar language on the Slaavians,—certain it is that the feeling has of late become so ardent and universal, as well in the kingdom of Bohemia as in the southern provinces, that the Austrian government appears to have abandoned the hope of repressing for that of directing the movement\*. But an idea which threatens to produce still more serious consequences has captivated the imagination of many of her Slaavian subjects,—the idea of reviving the empire of Stephen Dushan, by uniting all the southern Slavonians into one great kingdom at the expense of the Austrian as well as the Turkish empire. This project, if it did not originate in the ingenuity of Russia, was seized upon and propagated by her agents with the greatest activity. How could they be expected to act otherwise with reference to a scheme which promised nothing but advantage to their master? An attempt on the part of the southern Slaavians to establish themselves as an independent nation, in defiance of Austria and Turkey, must necessarily be abortive unless it should receive assistance from some other power. Russia alone would afford such assistance. The Slaavians, sooner or

\* Nor should it be forgotten that the military colonists whom Austria has established along the whole of her Turkish frontier, the 'living rampart' with which she encircled herself as a protection against the incursions of the Ottoman, all armed, disciplined and, in case of necessity, capable of furnishing upwards of 150,000 bayonets, are principally Slavonian.



later, would be forced to court her alliance. If the attempt were successful, it would extend an arm of Russia to the Mediterranean; if it were unsuccessful, it would at least enfeeble those whom she already regards as her victims. Nor was it essential to Russian interests that an attempt should be actually made to put this project in execution (although the Bulgarian insurrection we have alluded to was probably a step in this direction), its agitation alone has rendered her most essential service. There can be no doubt that it materially affected the conduct of Austria on the Serbian question.

It is notorious that Russia exercises, through the instrumentality of their priests, a powerful influence over a great portion of the Slaavian population of Austria. When therefore the Russian ambassador signified to the court of Vienna the determination of his government to enforce its demands relative to Serbia, and at the same time intimated that the political excitement in Serbia would, if suffered to be of long continuance, probably extend to the Slaavian provinces of the Austrian empire, and might be followed by an attempt of the nature we have just alluded to; the Austrian government could not fail to listen to his prophecies with considerable uneasiness, since, as has been well observed, those predictions of evil are principally to be dreaded of which the authors have the means of fulfilment in their own hands. The question then being, whether Austria should sacrifice the interests and dignity of the Porte, or incur the danger of an extended agitation in her own dominions, carried on with vigour proportionate to the indignation that would be felt by the Emperor if thwarted on a point that he had determined upon carrying, she preferred the former alternative; and in order to put the speediest possible termination to the excitement she so much deprecated, threw the whole weight of her authority into the scale of Russia. As is truly remarked by the intelligent author of 'Hungary and Transylvania,' writing in the year 1839\*,—"Russia, by exerting the influence which similarity of language, and, in some parts, similarity of religion also, gives her over these populations [the Slaavian], has

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\* Vol. i. p. 52.

X "hitherto frightened Austria into doing almost anything she  
 "likes:" yet Austria is the power whose lead Lord Aberdeen  
 followed, as a man of common sense and common prudence, with  
 reference to a matter in which Russia took so deep an interest,  
 and in which Slavonian nationality was so vitally concerned.  
 We have done with Lord Aberdeen's defence of his Serbian  
 policy; and it will be unnecessary to undertake any minute  
 analysis of the explanation it received from Sir Robert Peel in  
 the House of Commons. The speech of the Right Honour-  
 able Baronet fell below the dignity and importance of his  
 subject; an event which seldom occurs, except when he is  
 conscious that the strength of the case is against him. He  
 rested his defence of the government on the facts of the En-  
 glish consul at Belgrade having been appointed by Lord Pal-  
 merston, and the consul having reported to the government  
 that the election of Prince Michel was accomplished by cor-  
 ruption and violence. Sir Robert Peel did not however deny,  
 that before the ministry came to a decision on the subject,  
 they had received despatches on which they placed more reli-  
 ance than on those of the consul, giving a totally different  
 account of this transaction. The fallacy of the Premier's ar-  
 gument was well exposed by Mr. D'Israeli.

Let it not be supposed that the English ministry was un-  
 able to prevent this violation of the independence of the Porte  
 without resorting to actual hostilities; a simple declaration  
 that England was prepared to support Turkey would have  
 been amply sufficient. It is no secret in the East, that Russia  
 would make every sacrifice to avoid a rupture with this coun-  
 + try. As long as the Dardanelles are permeable to a hostile  
 navy, she remains, as she is well aware, at the mercy of En-  
 gland. She remembers the fate of Acre and trembles for  
 + Sebastopol. She knows that an hour would be sufficient for  
 the destruction of a fleet, which years of labour and a vast  
 expenditure have been required to create. Above all, she is  
 persuaded that the first English broadside fired in the Euxine  
 would be re-echoed in thunder from the Carpathians and the  
 + Caucasus; that it is the signal of revolt for which millions  
 are impatiently listening. Belgrade is not further removed  
 than Herat from the range of English artillery: had the same  
 tone of remonstrance been used in the one case as in the other,



M. de Lieven would probably have shared the disgrace of Count Simonitch and the "respectable" Vicovitch.

Soon after the intelligence arrived in this country that the Porte had consented to the deposition of Prince Alexander, Lord Aberdeen's opinion on this subject appears to have undergone some modification; and justice to his lordship compels us to admit, that he then resolved on adopting a measure which has proved eminently beneficial to the Serbians. He sent a despatch to St. Petersburg, putting this question to the Russian government: whether they would acknowledge Alexander as Prince of Serbia, in the event of his being freely elected by the Serbian people? Without disavowing everything she had hitherto alleged in support of her pretended right of interference, it was impossible for Russia to return any other than an affirmative answer to this question; and thus she herself became entangled in the snare which she had prepared for the Serbians. Whether Lord Aberdeen's conduct was dictated by profound policy, or an honest belief in the sincerity of the Emperor, it would be unprofitable to inquire. Honesty, which is always the best policy, is the sole policy when dealing with Russia, because at her own weapons she is invincible.

To return however to the closing scenes of the Serbian drama. When the Divan had resolved on submission, they despatched a firman to the senate announcing the deposition of Prince Alexander, requiring the exile of the two ministers, and commanding the Serbians to proceed to a fresh election. The Porte adopted no flimsy pretext to veil the illegality of this proceeding. Her humiliation was the result of violence, but she was too proud to dissemble it by falsehood. The senate on their part acted with admirable discretion; neither manifesting disrespect for the commands of the Porte, nor compromising the rights of the Serbian nation. They signified their willingness to proceed to a new election, but took care not to admit the invalidity of the former one: they recognised the authority of the commissioner appointed by the Porte to superintend the proceedings, but they would not consent to the banishment of Petronievitj and Vuchitj. It was about this time that the Emperor's answer to Lord Aberdeen's despatch became known in Serbia, where it produced

the most lively satisfaction, and materially assisted the senate in obtaining the consent of the people to the measures which had been adopted. On the 27th of June the election took place. One feeling only reigned throughout the assembly. Persecution had done its work; party differences were forgotten in hatred of foreign tyranny. The few who had formerly supported the claims of Milosh were now the foremost to record their suffrages in favour of Alexander. Not a dissentient voice was raised against his re-election. The Serbians won on that day a glorious, though a bloodless victory.

It was certainly not to be expected that the Emperor of Russia would learn with equanimity the result of this election; but that he should immediately proceed to offer a fresh indignity to the Porte, argues his conviction that the patience of the other great powers is inexhaustible. Although he could no longer affect to entertain doubts as to the real disposition of the Serbian people, still there was a condition in the bond he had extorted from the Sultan which remained unfulfilled. MM. Vuchitj and Petronievitj had not yet been driven from their country. It made little difference that the pretext on which their removal had been demanded existed no longer; that they could not influence an election which was already at an end. It was enough that their absence might give room to fresh agitation in Serbia; it was enough that they had ventured to thwart the policy of the Russian government; it was enough that their exile would make evident to the world that Nicholas is autocrat in Turkey as well as in Russia; therefore the Czar insisted that the Porte should tear from the Serbians the two men whom they most value and whose presence is most essential to their prosperity,—the Czar who can so readily quote for his own purpose the treaties of Bucharest, of Ackermann and Adrianople, which forbid the Porte to exercise any interference whatever in the internal administration of Serbia!

The incredible insolence of this proceeding appears to have at length awakened the indignation of Austria. Elaborate articles, evincing much anxiety to justify her policy, and disclosing her intimate acquaintance with the objects of the Russian government, appeared in the *Algemeine Zeitung*; that journal made use of the remarkable expression, that Austria



could not permit Russia to create another Caucasus in Serbia. It became clear that the court of Vienna was ready to adopt a more vigorous line of policy if the support of England could be obtained. But Lord Aberdeen made no sign; perhaps consoling himself with the reflection, that if Russia should ever extend to England the dominion which she exercises over Serbia, he is not the minister whose expulsion she will rigorously insist upon. In the meantime the Porte assembled a large force at Adrianople; the opinion gained ground in the Divan that it would be less dangerous to stake the existence of the empire on the event of a war, than to submit any longer to the measures of pacific invasion carried on by Russia. But the protectors of Turkey again interfered. They required the Porte to submit, that the repose of Europe might not be disturbed.

Never for a moment did the Serbians swerve from the line of patriotism and fidelity. As long as the Porte considered resistance possible, they joyfully prepared to share in the perils of the contest: when she was compelled to requite their devotion by a new violation of their most sacred privileges, they refused to add to her embarrassments by uttering a single remonstrance against the illegality of her commands; yet they took every precaution that prudence could suggest to prevent their submission from being drawn into a precedent for future encroachment on their liberties.

MM Petronievitj and Vuchitj refused to quit Serbia until they should obtain the formal consent of the nation to their departure. A general assembly was convened for this purpose on the 9th of last August. At its opening an unanimous cry was raised that the ministers should not be suffered to depart; that the road should sooner be blocked up by the corpses of their countrymen. When the ministers explained that they left Serbia voluntarily, to save it from the ruin that must otherwise inevitably ensue, many of the people were observed to shed tears. MM. Petronievitj and Vuchitj caused a document to be read to the assembly, in which were set forth at length the reasons that rendered their departure necessary; stating that if they should decide on remaining in Serbia, a Russian army of 20,000 men, acting under the nominal authority and with the extorted sanc-

x tion of the Porte, would invade and permanently occupy the principality. The assembly was at length induced to yield to the wishes of the ministers; but the permission to depart was accompanied with the most touching expressions of regret and the most substantial marks of gratitude. It was decided that the places of the ministers should be filled provisionally only during their absence; that they should retain the dignity and emoluments of office; and they were forced to accept a considerable additional allowance to defray the expenses of their journey\*.

x We now bid adieu to the Serbians, exhorting them not to be discouraged by the momentary triumph of their adversary. Let them remember that the tree of liberty is of slow growth; but like their native oak, once rooted in a favourable soil, it derives fresh vigour from the storm that agitates its branches. Let them proceed in the course they have hitherto adopted, reconciling duty to their country with loyalty to their sovereign. They will thus remain entitled to claim the protection of the international law of Europe; a code which, though at present trampled under foot, may hereafter regain consideration and authority. Let them recollect how exalted is the station which they now occupy: to maintain it, let them consider no sacrifice excessive. They stand at the head of all nations of Slavonian origin; for they possess freedom, without which intellectual development is impossible; and they owe obedience to no commands save those of justice and the laws: on the rest of the Slavonian family their example cannot fail to exercise the most powerful influence: their steadfastness may rescue from debasement one of the noblest races of mankind.

\* Baron Lieven was of course present at the meeting; nor did he, though the representative of a foreign power, scruple to harangue the subjects of the Sultan. In the course of his address he observed, that it was singular to see so much apprehension excited by the loss of two individuals; and he assured the people that the country would not incur the slightest danger through their absence. A Serb then exclaimed, "Sir, your master possesses a country eighty times larger than ours, yet he fears the residence of those two individuals in Serbia; how can you expect that we should not fear their departure?" It was remarked that the Baron endeavoured, by the strongest assurances of his personal esteem, to conciliate the person addressed him in this manner. Baron Lieven afterwards declared that he would intercede with the Emperor to obtain permission for the ministers to re-express his conviction that so gracious a judge would be satisfied without rod of banishment. The tyranny of an usurper excites indignation; but of clemency, disgust.



MAP TO ILLUSTRATE THE ARTICLE ON SERBIA.







THE  
BRITISH AND FOREIGN  
REVIEW.

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ARTICLE I.

*Histoire des Idées Littéraires en France au XIX siècle, et de leurs origines dans les siècles antérieurs.* Par ALFRED MICHIELS. Paris, 1842.

IN two successive articles we have treated of the state of Philosophy and of History in France: we have now to cast a glance at the scarcely less important subject of Criticism. The part played by criticism in modern European literature is of an importance hitherto quite unknown, not because more grave, more philosophical, or more respected, but because more abundant, more rapid and more immediately influential. From the flippant *Feuilleton* to the grave *Revue*, a new work has to endure an incessant battery of objection, or intoxicating offerings of incense. As no one can pretend to keep pace with the publications of the day, all seek an opinion on the book whose title has attracted them, or look for piquant extracts which may save the time and trouble of reading the whole.

The influence exercised upon contemporary literature and art by the incessant enunciation of received principles, and their application to the works of the day, is one which, though extremely minute in each individual case, is on the whole most extensive: it is not one critic, nor one review; it is the sum total of hundreds of daily, weekly, monthly and quarterly criticisms,—good, bad and indifferent,—each exercising a par-

ticle of influence. Empty formulas are repeated till they are received as truisms, sonorous epithets become common property, and valuable canons are within reach of the dull and trivial. There are also many of the journalist vices,—shameless venality, reckless partisanship, cruel flippancy and astonishing ignorance. Those who have real science seldom avoid pedantry; those who are ignorant, either treat knowledge with disdainful mockery or affect omniscience. Few people in France have any confidence in the critics, yet all read them. Critics are abused, despised, but listened to; they are dreaded by all who come within their jurisdiction, and dreaded for their power rather than their intellect.

In France at the present moment there are very many witty writers, but very few good critics. Wit, which is the gift—the perhaps fatal gift—of that extraordinary nation, is too often deemed sufficient. Hence with an amazing number of clever men, there is really very little good criticism. Gustave Planche, Nisard and Philarète Chasles are critics in the real sense of the word; St. Beuve, Marmier, Jules Janin, Rolle, Gautier and the rest are but men of cleverness, writing more or less amusing accounts of works, but seldom penetrating deep into either beauties or errors.

X GUSTAVE PLANCHE was for some years the terror of the poets, and justly, for with a keen glance he saw through all their sophistical pretences, and detected the latent falseness of the ideas which glittering verses or paradoxical systems had served to conceal. His two volumes of ‘*Portraits Littéraires*,’ though containing some barefaced plagiarism and not a few errors, are worth consulting, and the criticisms they contain of the plays of Victor Hugo and Casimir Delavigne are, without exception, the best that have ever been written on the subjects. It is in vain that the feeble author of the book placed at the head of this article endeavours to dispute M. Planche’s talent; it is in vain that he brings forward Planche’s very impudent reproduction of Sir Walter Scott’s essay on Fielding; it is in vain that he ridiculously collects the passages in preceding authors which bear great resemblance to some of M. Planche’s ideas:—all these drawbacks may be admitted to the fullest, and yet not affect his reputation as the most penetrating and redoubtable critic of the day. He made a mistake



respecting Bulwer's 'Eugene Aram,' but his insufficient knowledge of our language and literature may explain it. On the other hand, he saw from the first the astonishing genius of George Sand, and the false, mechanical, paradoxical talent of Victor Hugo.

X Gustave Planche has introduced no ideas of any importance, but he has availed himself of the best of such as were known at the time (1831-36) and applied them happily. His great merit consists in the certainty of his glance: he sees at once the difference between what the author intended and what he really accomplished. This is the touchstone of criticism. The poet deceives himself, and then deceives his readers by a dextrous or pompous exhibition of his aim. The word is taken for the deed; tinsel holds the place of gold; and, since both glitter alike, the public needs the real connoisseur to warn it of the counterfeit.

f DÉSIRÉ NISARD, author of 'Etudes sur les Poètes Latins de la Décadence,' of an 'Essai sur l'Histoire de la Littérature Française,' and of the articles on Victor Hugo and Lamartine in the 'London Review,' has greater acquirements than Gustave Planche, without possessing however the same searching insight. It is his besetting sin to see little merit in anything that was not produced in the seventeenth century; he completely misunderstands both the wants and tendencies of his epoch. He is an excellent writer, but should be read with caution; he is better as a critic of belles lettres than of art, for which he has little feeling; and always more to be trusted when speaking of the age of Louis the Fourteenth, than when speaking of any prior or subsequent to it.

M. Alfred Michiels is nearly as angry with M. Nisard as with M. Planche, and his anger shows itself in still feebler attacks. What can he mean by ridiculing Nisard's use of the words 'reason' and 'understanding,' because Kant interprets them differently? or by opposing Reid's definition of common sense to the meaning affixed to it by Nisard?

Although we regard Nisard's critical philosophy as erroneous, because one-sided, yet we cannot but admit that it was very important for France that such a philosophy should have had so able an exponent. Boileau may not, perhaps, be the ideal of a critic, but he must always be an invaluable corrector

of the most frequent vices of literature : his astonishing good sense, if it fail in carrying him into the recondite regions of art, yet always guards him against what is trivial and false. In literature there is more extravagance to correct than refined beauty to appreciate, and this is the reason why the adherents of the classic school have so salutary an influence. Nisard is one of these, and battles on behalf of good sense; anything that contradicts good sense may be pretty as a caprice, it may tickle the ear or gratify the fancy, but it will not *live*,—it deserves not to be written. Idiosyncrasies, subjective peculiarities, caprices or extravagances are all trivial. “La gloire de nos grands écrivains,” he says, “c’est d’avoir exprimé dans un langage parfait des vérités de la vie pratique; c’est d’avoir créé en quelque sorte la poésie de la raison.” This reason is the faculty by which we distinguish the true from the false, the general from the particular, the rule from the exception; it is seen in its perfection in the best comedies of Molière, in the dramatic truth of Racine, in the fables of Lafontaine and in the works of Boileau. “Chez nous,” he says, “l’imagination, même dans les ouvrages d’imagination, est une qualité d’ornement qui pare les compositions bien plus qu’une faculté souveraine qui les inspire.” We believe this to be very false but very useful doctrine, as counterbalancing the presumptuous mediocrity and idleness of an age which outrages common sense and then pleads for pardon on the score of imagination,—very useful to the young *échevelés*, who, relying on heaven-descended genius, fancy that art is but the caprice of an individual,—very useful to all earnest young men, by forcing them to scrutinize their pretensions and productions.

Nisard writes of art like a man who never tasted its exquisite delights,—it has no flavour to him. He asks of the poet, “*what* have you done?” never, “*how* have you done it?” This is enough to invalidate all his criticisms, when taken in an absolute sense, though not interfering with their relative value. He is an excellent flagellator of “light literature,” but we would counsel no one to trust him when speaking of the great masters. He sees through such men as Persius, Phædrus and Lucan; he rightly despises such authors as Théophile Gautier and the rest; but Homer, Shak-



speare, Dante, Ariosto and Spenser are, we believe, beyond his ken.

PHILARÈTE CHASLES is remarkable for an acquaintance with our literature, quite unique in a Frenchman for its extent and accuracy: his knowledge of German, Italian and Spanish literature is also considerable. With such acquirements, he would have acquired a far greater reputation, could he have added any depth of thought or brilliancy of style; unfortunately he has neither. His articles are conscientious, judicious, but dull: he is one of those who find no time to write briefly. Strange to say, his long articles in the '*Revue des Deux Mondes*' are much shorter in proportion to the matter than his short articles in the '*Débats*;' the sense of having only two columns of *variétés* in that huge journal, to express an opinion on a single book, seems to deprive him of whatever condensing power he may ordinarily possess. Nevertheless let no reader of the '*Débats*' overlook the article *Variétés* when it bears the signature of Philarète Chasles. If no new ideas, if no witty epigrams repay the trouble of perusal, there will certainly be compensation in the honesty of the judgement and the erudition on which it is founded.

SAINTE BEUVE is one of the Parisian celebrities. Poet, novelist, historian and critic, in each capacity of untarnished mediocrity, he has contrived by mere force of position to gain a reputation. The '*Pensées d'Août*' and the '*Poésies de Joseph Delorme*' were praised when they appeared. '*Volupté*,' the most tedious and sickly of novels, is more praised than read; and '*Port Royal*' is, we believe, a work of meritorious industry. But it is the '*Critiques et Portraits*,' in other words the republication of his articles in the '*Revue des Deux Mondes*,' which we are now called upon to consider.

Sainte Beuve, though a very indifferent critic, is an entertaining writer, and, as amusement is generally preferred to instruction, he is a favourite. Perhaps no man in a similar position ever judged so little of works, and that little so ill; but in neglecting the work, he only attaches himself the more closely to the author, and thus substitutes gossip for ideas, biography for criticism. Now biography is extremely amusing: the biography of the most insignificant man that

ever lived is not without its interest to all other men ; and a skilful writer knows how to picture humanity in the life of one poor man. To this natural interest is added, in the case of poets, a laudable curiosity to learn anything about a celebrated name, about one whose works have delighted us. Sainte Beuve has seen the truth of this ; his natural talents and natural incompetence have led him to biography, and his vanity has led him to declare that biography is the only useful criticism. Having once settled himself in this conviction, he had only to study memoirs, correspondence and anecdotes, and with a good style the throne of criticism was open to him. This he has done, and on the throne he is firmly seated : one word, however, with respect to his style.

When women write, they usually imitate men : this is not fortunate, because not only do they spoil their own style, but usually select very bad models. There are men, however, who return the compliment, and sedulously imitate the writing of women. When Balzac writes best,—that is, when he forgets his pedantry and condescends to write correctly,—he imitates the feminine style. Sainte Beuve does so always : he is coquettish, epigrammatic, and delicate ; full of happy turns, charming phrases and what Balzac would call “ adorable affectations,”—a style always conscious, even when seemingly most at ease. Speaking of a passage in a novel which he admires, he says, “ Jamais ruban soyeux ne fut plus flexueuse-ment dévidé, jamais soupir de lutin plus amoureuxment filé, jamais fil blanc de bonne vierge plus incroyablement affiné et allongé sous les doigts d’une reine Mab.”

Sainte Beuve, though he commenced his career as a poet, has shown little poetry in his criticisms. His judgements in general are singularly deficient in those subtleties and niceties which distinguish a poet’s appreciation of his art, nor can his taste be relied on. It may be pique, prejudice or envy which made him commit the ludicrous error of raising Madame Aimable Tastu above George Sand ; but it was ignorance alone that made him depreciate Boileau and overrate the romantics. He has also the questionable merit of having discovered a great many of the *neglected geniuses* : he loves to dwell upon the merits of mediocrity,—perhaps upon Hazlitt’s principle,



"that the style of poetry which a man deliberately writes, that, and that only, will he praise."

The 'Revue des Deux Mondes' and the 'Revue de Paris' number some other critics in their ranks, such as Lerminier, Marmier, Chaudes-Aigues, etc., but none of them call for any detailed notice. The first two have a sprinkling of German literature and very considerable pretensions; they give themselves out as philosophic writers, and some of the good-natured take them at their word. M. Chaudes-Aigues has very unnecessarily republished some of his articles; they betray great spite against Alfred de Musset and Balzac, but if these authors had no more formidable enemies they might be happy. Each of the critics before noticed has either talents or acquirements; M. Chaudes-Aigues has neither,—"*Ecrivain amusant quand il n'endort pas son lecteur.*"

Such is the *personnel* of the two principal Parisian Reviews: the rest have no critical importance. But it is not in the reviews so much as in the newspapers that French criticism is to be studied. The quantity of talent which finds vent in the journals of Paris is perfectly amazing to a foreigner; he may call for one paper after another, and in each be surprized at the wit, the elegance and penetration. Not but that he will see many evidences of personal favour and dislike, many authors and actors sacrificed to a jest; these blemishes are as plentiful as with us, and perhaps more so; but the general impression will be one of admiration. We will briefly indicate a few of the popular critics.

JULES JANIN is known all over Europe as one of the most amusing, impudent, familiar, witty and malicious writers of the French press. Few people let the Monday morning pass without remembering that it is the day on which the 'Journal de Débats' offers to its readers the immense *feuilleton* signed J. J.\* Whatever may be the absorbing topic of the day, everybody has time to listen to the *causeries* of Jules Janin. Whatever other people may have said respecting the new plays or new *débuts*, everybody is anxious to hear what Jules

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\* The 'Débats' is the great field of his glory, but such is the attraction of his name that no literary journal is now established without demanding his aid. From the gayest to the gravest, from the critical pages of a weekly paper to the elaborate encyclopedias, Janin is always in request.

Janin has to say thereon,—perhaps some acute criticism, diving in a masterly familiar way into the very heart of the matter; perhaps some clever chat about everything save the matter in hand; or, which is still more likely, some preposterous foolery which amuses you in spite of yourself. Janin is a spoiled child, and all his tricks are applauded; but it is a mistake to suppose that, because he plays antics to amuse the public, he is therefore a mere mountebank. Janin is one of the cleverest men in France,—an admirable scholar, an elegant writer and, when he chooses, an acute critic. Some of those long articles of twelve columns, which he throws off with such singular rapidity amidst the noise of his friends conversing, singing and laughing around him, might be selected as among the most charming essays in the French language. Who does not remember his article on the Pont Neuf? who has not heard of his ‘Flower-girl?’ who did not read his ‘Madame Laffarge?’ who can forget his first articles on Rachel, when he revealed to the public her extraordinary talents? He has since turned round and written the most stinging objections ever directed against her; he decries the goddess whom he formerly worshiped,—but not, as is so often said, for mercenary motives. No, Jules Janin is not an honest man in a strict sense; he is little scrupulous as to truth or the feelings of others, but we believe him to be above the corruption of money. He will slaughter a reputation, to produce a *feuilleton* at which all France shall laugh and be amazed. He is always in want of a butt, of somebody on whom to pour the torrent of his malicious epigrams, but we believe him to be incorruptible by other baser temptation. Recklessness, impudence, pique, perhaps envy, have guided his pen; but until some positive proof is advanced of his having once sold his praise or blame, we are entitled to deny the rumours circulated against him by those he has offended.

It has been happily said of him, that “il se pose devant le public comme un bon garçon, gros et gras et très jovial; le fait est, qu’il est très gros et très gras, mais il est moins bon garçon qu’il n’en a l’air. C’est un faux bonhomme qui plus de méchanceté que de malice et plus d’esprit que de malice et de méchanceté, ce qui n’est pas peu dire.” You must always be on your guard whilst reading him; his object



is to startle and amuse you. The play or actor are but the excuses; what he really intends to do is to write twelve columns of very entertaining matter, and this he does. If the new piece be a good one, Janin's account of it is more amusing still; if it be a bad one, it is of little consequence, Janin's *feuilleton* is a compensation,—there is amusement in *it* at all events: if the play fail, Janin buries it in witticisms, or writes about everything else in the world except that play. He coquettes with his verbose interminable phrases as an Indian juggler plays with balls; he rattles forth his endless epithets and similes with a fecundity that would be oppressive, were it not for his inexhaustible lightness; he realizes that most paradoxical condition, of extreme verbosity combined with amazing liveliness; he expresses every thought that crosses his brain, and uses more words to express it than any hesitating bungling orator. Yet, in spite of all this, he is one of the most animated of writers: there is a *laissez aller* about him perfectly charming. He takes up his pen evidently ignorant of what he is going to say: the pen runs on,—runs till it fills twelve columns, by turns pathetic and burlesque, eloquent, grave, rhetorical and witty, and then stops, for no other apparent reason than that the required space is filled. “Voici une histoire que je tiens pour vraie *quoiqu'*elle m'ait été “contée par un témoin oculaire,” is the commencement of one of his articles, and the continuation is worthy the beginning; it is as dazzling as a display of fireworks, and as evanescent.

Jules Janin is of course the terror of all managers, actors, actresses and dramatic authors. Beyond all men he has the art of writing an actor into favour, or of damaging an established reputation. With a keen eye for faults, he has a terrible mode of exposing them: his smiling cruelty is beyond compare more effective than any violent tirade. He “murders while he smiles;” but his voice is so soft and jovial, he seems so overflowing with kindness, his objection seems so wrung by stern conscience from his rare good nature, that the effect is irresistible. This is what Boileau calls

“Voilà jouer d'adresse et médire avec art :  
C'est avec respect enfoncer le poignard.”

Although a very entertaining writer, Janin has all the disad-

vantages of being able to say what he pleases, and we believe his influence to be quite as often pernicious as useful. He has almost all the vices of the journalist, and some of them in their worst form: it is but fair to add, that he has also merits which all journalists claim, but which few really possess.

+ ROLLE, who writes the dramatic *feuilleton* in the 'National,' under the signature X., has recently been raised to the rank of second critic, and by some even raised above Jules Janin. He owes this to his two very masterly articles on Victor Hugo's 'Burgraves,' in which, with a bitter though cautious pen, he exposed the schoolboy inexactness of the poet's pretended erudition, the absurdity of his pretended philosophy, the shallowness of his pretended profundity and the falsity of the conception. Before he wrote these articles Rolle was known as a witty critic, with a tolerable share of ability; he has since been treated with more consideration. It must be owned that he gained his laurels easily; 'Les Burgraves' was not difficult to criticize. Let us add, however, that Rolle's merit, consisting more in the justness of his views than the liveliness of his style, needed some subject which attracted general attention, to be remarked.

+ THEOPHILE GAUTIER, author of 'La Comédie de la Mort,' 'L'Arme du Diable,' 'Mademoiselle de Maupin,' 'La Jeune France,' 'Fortunio,' 'Tra los Montes,' etc.—poet, traveller, novelist, vaudevillist and critic,—is one of the cleverest and most contemptible authors of *la Jeune France*. Seldom has such rare talent been ruined by such inordinate vanity. All that in England we conceive to be characteristic of French fatuity, extravagance and bad taste may be said to be united in Théophile Gautier: he is romanticism run mad. Whilst others are combating the strictness of the classic rules and asserting the right to an occasional license, M. Gautier, both by precept and example, preaches that there should be no rules at all. Wherefore, saith he, am I made a great poet, a voluminous novelist, a severe critic? not to follow old laws, but to invent new! Art is but the glorious caprice of genius: the public has but to listen and be thankful.

M. Gautier is in the most unhappy position. Instead of having what the Greeks call the *οἶστρος* within, goading him into poetic fury, he has the perfectly modern fatuity urging



him to extravagance, that he may attract attention. Notoriety is his ambition and his curse. The most singular in appearance of all the singular men who haunt the Boulevards, he is not less fantastic in his writings than in his dress. He is said to have shown himself in his box at the representations of 'Hernani' in a *pourpoint* of red velvet. We know not how true this may be, but we believe nothing too extravagant for him to attempt.

Théophile Gautier condescends to use the *feuilleton* of 'La Presse' as the vehicle for his impertinence and the chief source of his revenue: he there criticizes the productions of the day, with abundance of wit but a complete want of judgement. Although writing an elegant and beautiful style, he often injures it by unheard-of terms and expressions. It is to him that the French language is indebted for the term "*choknosque*." Théophile Gautier has fancy, wit and audacity; he only wants judgement, to become an original writer: but audacity without judgement leads to extravagance and impertinence, and thus all his strenuous efforts at originality only produce monsters. When a man craves notoriety so inordinately as to stand on his head rather than not be looked at, he will indeed gain attention, but with it contempt. This is M. Gautier's case; he has plenty of wonderers, but no admirers. M. de Balzac, in one of his prefaces, is indignant with the public and the press that so little attention has been paid to Gautier's 'Mademoiselle de Maupin,' which he calls one of the most original works of the day; but he forgets to add, that it is a work which even the circulating libraries are often ashamed to have in their possession; he forgets that the *allure si franche* which delights him disgusts other people.

M. FORGUES, better known by the pseudonyme of *Old Nick*, is an indefatigable writer and very severe critic. He reviews new books in the *feuilleton* of the 'National' and in the 'Revue de Paris.' He also writes satirical articles for the 'Charivari.'

M. LOUIS REYBAUD is still more indefatigable, no less severe and more influential than M. Forgues. He is the author of the 'Etudes sur les Réformateurs Modernes,' and the satirical novel of 'Jerôme Paturot.' He is to be met with in

+ the *feuilleton* of the 'National,' under the pseudonyme of *Léon Durocher*; in the 'Constitutionnel,' under the signature *R.*; in the 'Corsaire,' under no signature at all, and in the 'Revue des Deux Mondes,' under his own name. He is not without ability, but he has the misfortune to believe that he has philosophical talent, and consequently writes upon subjects quite beyond his reach. The biographical, anecdotal portions of his work on the Socialists are as interesting as the critical portions are trivial.

EUGÈNE GUINOT, better known by his pseudonyme of *Pierre Durand*, is one of the most agreeable of the *feuilletonists*. His theatrical critiques in the 'Courrier Français' are amusing and tolerably impartial; but it is by his 'Revue de Paris' in the 'Siècle' that he made his reputation. These are weekly *causeries*, in imitation of the celebrated 'Courrier de Paris' by Madame Emile Girardin, and are generally as caustic and amusing as their prototype.

X EUGÈNE BRIFFAUT has written almost everywhere and on every subject. Careless, wordy and often ungrammatical, M. Briffaut is a sort of Jules Janin on a small scale. Some of his *feuilletons* are extremely clever. He is fat and jovial; more addicted to good living than study, but ever ready to defend with his sword the offence given by his pen. At the time of the imprisonment of the Duchesse de Berri, he was called out by a Royalist for having written in the 'Corsaire' an article which roused the anger of the Royalists. He was wounded severely, and recovered,—only to be more satirical than before.

But we must cease enumerating the various journalists: of one and all it may be said, that they have a great deal of wit but little serious conviction; they are admirable critics of the frivolous vaudevilles and novels which their contemporaries produce, but utterly unable to guide, develope and correct the young and erring artist. Is not this strange? How comes it that France, the nation which for so many years was regarded as the pattern of good taste, the supreme arbiter of excellence, the nation of critics to whom all Europe bowed, has now fallen so low that it has nothing but the *feuilleton* to boast of? This is a curious problem in the history of literature.



France, as a nation, is eminently gifted for criticism: with keen susceptibility, it possesses great power of reasoning; philosophy has always been a favoured guest there, and it is to philosophy that we must look for criticism. The climate, the susceptible nerves and quick impressions of the people, foster a love of the arts and a certain delicacy of taste. In this most essential point the Germans have always been strikingly inferior, and yet the Germans are indisputably the first of European critics. What can be the cause of this? How is it that a country gifted like France should rank below one apparently so inferior? How is it, moreover, that a country like Italy, the land of art, whose people have the most perfect organization, both for the production and appreciation of art, should be so manifestly inferior to France, and should never have produced a respectable critic? The answer is plain: criticism, being philosophy rather than feeling, flourishes best in a land where the people can best analyse their feelings, and, as it were, catch enjoyment in the act.

The Italian criticism is the most wearisome, and in some sense prosaic, of the three. When not indulging in rhapsodies of admiration, it is a tedious, though perhaps useful, dissertation on the mechanism of the poet's verse or painter's colouring. A false image, an impossible simile, a preposterous conceit generally pass unnoticed, especially if it be felicitously or sonorously worded. With the Italian critic the question is one of transposition, inversion, elision, cadence, or inharmoniousness; the inner life, of which this is the clothing, attracts him not. As his delight in art is almost purely sensuous, so also his criticism is occupied solely with the form. In France the attention to the form is also rigorous. The French language is itself the most rigorous of all,—the most definite, fixed, exclusive and, let us add, the most perfect: it is no mean accomplishment in a Frenchman to be able to write it elegantly. The consequence is, that in no literature are there so many exquisite, and so few bad writers as in the French. The difficulty is however tenfold with verse: not only is the language poor in rhymes and high-sounding words, but it is essentially a language of prose; it possesses nothing similar to what in other nations may be called the poetical dialect, which

is so distinct from the dialect of ordinary use as to be highly ridiculous if mixed up with it. An Englishman learning Italian through the poets, and attempting to speak it to a native, would, unless his hearer were well educated, be often unintelligible and always absurd. It would be the same with an Italian speaking the language of Milton, Byron or Coleridge. The incalculable advantage of this poetical dialect consists in its using words that have no debasing associations to interfere with the intended effect. The great art of the French poet is to avoid using words that have unpleasant or discordant associations,—to escape the danger of

“ Le Parnasse parlant le langage des halles,”

as Boileau well says. And yet in avoiding one fault you must not commit another; bombast is as faulty as vulgarity:

“ Quoique vous écriviez, évitez la bassesse :

Le style le moins noble a pourtant sa noblesse.”

It is very difficult for foreigners, who have not made a special study of the language, to comprehend the force of certain degrading associations. The ‘*style noble*’ does not mean the perpetual employment of grand words, but the rejection of such as are discordant from their associations. Racine has been eulogized for having so successfully introduced the word *chiens* in ‘*Athalie*’:

“ Les chiens à qui son bras a livré Jézabel.”

To an English ear this word ‘dogs’ has nothing in the least unpoetical; but it needs defence in French poetry, and that defence La Harpe has undertaken. He shows that this being a scriptural allusion, the word is here exempt from ordinary associations. In a similar way ‘*sel*,’ which is otherwise inadmissible, is used in this verse :

“.....Quelquefois à l’autel

Je présente au grand prêtre et l’encens et le sel.”

The word incense, suggesting a religious ceremony, carries the *sel* along with it, secure. “En sorte que,” says La Harpe, “ce qui nous paraît une hardiesse de son génie, n’est que le “coup d’œil de sa raison.” Strange language this to an English ear! yet it may in some measure be rendered intelligible if we remember the intensity of the word ‘*cochon*’



compared to our 'pig.' There is hardly a greater insult than to apply the word *cochon* to a Frenchman; no familiarity, no license of jesting can excuse it. To call a man a pig in English is certainly not to compliment him; but it passes in jest, because the word excites no such degrading, disgusting associations as in the mind of a Frenchman.

But these are not the only difficulties which the poet has to struggle with in that

"langue un peu sèche et sans inversions,"

as Voltaire himself styled it. There is the difficulty of a feeble rhythm and harmony. It is the most unmusical language in the world; thin, nasal and monotonous, with few and short intervals: when most musical, it is hardly ever more than a soft murmur, a luxurious lulling sound, not to be compared to the rich, rolling, varied, organ-like music of some of our own poets. The most musical writer France ever produced is, in our opinion, George Sand; and she writes prose, but prose such as the world has seldom heard. In French poetry there is necessarily a deficiency of harmony: "ce sont des nuances plutôt que des couleurs," as M. Philarète Chasles well remarks, "des souplesses plutôt que des audaces, un murmure plutôt qu'une musique. Le principal caractère de la poésie Française considéré sous le rapport de l'harmonie primitive se trouve renfermé dans l'emploi de l'e muet, qui n'est pas une voyelle, mais un quart de voyelle, un souffle."

Such being the material difficulties with which the poet has to struggle, it is very natural that to such would the critic address himself. The great glory of the French poet being to triumph over obstacle, the great object of the critic is to see whether he has triumphed fairly: hence the rigorous attention to form. But let us observe the difference between this attention to form and that of the Italian. In the latter it is because the form is so pleasurable that it absorbs the attention; in the other, the form is a rebel and must be vanquished, but never being perfect it does not exclusively absorb the attention. Hence the French critics equally direct themselves to the ideas expressed:—

"Quelque sujet qu'on traite, ou plaisant ou sublime,  
Que toujours le bon sens s'accorde avec la rime."

This leads them into the domain of reason and erects their criticism into philosophy.

Having arrived thus far, let us now ask why this double attention to both idea and form, in a nation eminently susceptible and ratiocinative, has produced no single work of deep and comprehensive criticism? The answer is, that admiration of their own poetry has prevented their appreciation of any other. It is strikingly illustrative of this opinion, that not until the modern widening of the ancient limits, not until the freedom of the Romanticists, could foreign poets be said to have been appreciated in France; and although there is still much prejudice and more ignorance constantly put forth respecting German and English literature, yet all the rising generation deem it a duty to study Shakspeare, Göthe and Schiller. Before this time the French, bred up in the study of Corneille, Racine, Boileau, Voltaire, J. B. Rousseau and others, naturally regarded these as the models of art, as we regard Shakspeare, Milton and Dryden. Anything that was at all similar was welcome; therefore Virgil, Ovid, Horace, Catullus and Martial were read with pleasure, the Greeks with reverence, the English with contempt. Nothing could be more natural. We regard them with very much the same feelings of pity as those with which they formerly regarded us; and from precisely the same reason,—contrariety of style and taste.

What our own poetry was, all English readers know. What was the French? Let us hear a grave critic and a native, M. Philarète Chasles: "La perfection de forme," says he, "que Ronsard, le premier, puis Malherbe, Racine, J. B. Rousseau, André Chénier [and let us also add Lamartine] ont su introduire dans la versification Française, tient en grande partie à cette révolte de la matière employée. Mais de là aussi il est résulté un mode poétique très élaboré, très didactique, une habitude pour ainsi dire scolaire." And what are the consequences of this? Why that "l'émotion naïve et primitive, la passion intense et de premier jet se sont rarement fait jouer dans cette versification laborieuse." What more natural? how could it be otherwise? Moreover "le mérite de la difficulté vaincue a dominé tous les mérites dans la poésie Française: on a vu Bossuet et J. J. Rousseau,



"poètes-nés, écrire en prose leurs ardentes pensées ; et Mal-herbe, Boileau, Jean Baptiste, nés prosateurs, sans imagi-nation et presque sans ame, se placer à juste titre au premier rang des grands ouvriers poétiques, des suprêmes artistes de la versification et du langage\*." We solicit attention to these passages from a quarter which cannot be suspected either of ignorance or prejudice. It is in the study of our own as well as of the German poets that M. Chasles has seen the inherent peculiarity of the poetry of his nation. He has noticed our impetuous bursts of passion, our lyrical move-ments, our graceful caprices, our bold negligence ; and he is aware that, although such license often leads to worthless, feeble writing, yet, when in its perfection, there is a freedom and an inspiration, a matchless witchery and grace, which no rigid rules can possibly produce. Well may we exclaim with "rare old Ben,"—

"Give me a look, give me a face  
That makes simplicity a grace !  
Hair loosely flowing, robes as free,  
Such sweet neglect more taketh me  
Than all the adulteries of art  
Which strike mine eyes but not my heart."

There is a charm in such "sweet neglect" which no elegant dressing, no polished courtesy can rival. But while we assert this, let us not forget that such neglect too often makes a slattern ; let us not forget, that if genius may snatch a grace above the reach of *rule*, it is only genius that can do so ; any lesser power rejecting the guidance of rule falls at once into anarchy. For what is rule, what is law in art ?—the precept dictated by universal good sense, by universal feeling, by universal precedent : what has always been found to be dis-cordant and wearisome, must be always avoided ; and what has always been found consonant with the eternal principles of human feeling will always please. We speak not here of fri-volous notions pretending to be rules ; such as that a tragedy must have five acts, must end with a death and must have for its subject persons of elevated station ; or that the first book of an epic should have only a fixed number of similes. We

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\* *Revue des deux Mondes*, Nov. 1840, p. 354.

speak of rules founded on examination of standard works, and their operation on human feeling. The rules of verse, for example, are founded on the principles of musical feeling, which can never be violated with impunity. A poet may indeed write apparently in defiance of them and write well. But what does he? he merely adds a new rule, he shows the propriety of an exceptional subordinate rule being admitted. Thus: a blank verse consists of ten feet, in iambics; the primary rule therefore is, that no English blank verse should exceed ten feet, in iambics, and two-thirds of our poetry is in strict accordance with this rule. It was found, however, that the monotony of this verse was considerably relieved by the mixture of trochaics, as in Marlowe. It was subsequently found that a still greater variety and harmony might be produced by adding an eleventh foot; a twelfth, a thirteenth, nay even a fourteenth were also sparingly used with fine effect. Now these have been very improperly called licenses; they are laws,—subordinate laws it is true, but nevertheless founded as strictly on human feeling as the primary law: for they were introduced as improvements, they were to relieve the monotony of a verse musical in itself, but tedious when too long sustained. When therefore any poet neglects ancient custom, ancient laws, and yet produces a musical effect, he is justified; but when he neglects these laws without a corresponding improvement in effect, he errs from idleness or incompetence and should be severely condemned.

It appears to us that the French critics have been too rigorous in their enforcement of primary laws, without regard to the secondary; and that English critics have been altogether too careless in admitting infractions of primary laws, without ascertaining whether they were founded in reason. The French muse has, in consequence, very often been prim and formal,—the English muse a slattern. Of the two evils we prefer the former. For the same reason we prefer the rigour of French to the carelessness of English criticism; believing firmly that every muse, with really a divine impulse burning within, needs the rein far more than the spur. Boileau himself has told us with what difficulty he wrote, and how he roamed through the woods in the anxious search for a rhyme. The truth is that, for every twenty thoughts that presented



themselves, he only selected one, but that was the right one. It is one of the commonest boasts of our poets that they finished their poems in some incredibly brief time; even that great and genuine poet Shelley was not proof against such vanity. What is the consequence? Boileau's works are the quintessence of his mind; there is hardly a line one would wish away; they are of their kind very near perfection; they have lasted two hundred years of incessant study and admiration, and they will last as long as the language. Of our own rapid careless poems how many remain? Not one will outlive its day, except as in Shelley's case, when in connexion with other works that deserve to live; and this because, instead of selecting their very choicest thoughts, our poets wrote down any that presented themselves, forgetting the eternal canon,—

“ Qui ne sait se borner ne sait jamais écrire.”

French criticism is quite as rigid with respect to ideas as to forms: it has no pardon for bad metaphors, for hazardous personifications, for anything in short which offends the reason. Milton's “smoothing the raven down of darkness till it smiled” would find no favour, and justly. On the other hand, “the *starry* Galileo” of Byron would be almost as inadmissible, and unjustly. It is here we see both the excellence and deficiency of the national poetry influencing their criticism. Their poetry has fewer elements than that of any other nation, and consequently their criticism is the most confined: excellent when treating of subjects within its proper sphere, it is absurd when endeavouring to reduce all varieties to one standard. The radical vice of their criticism, as of their poetry, is a want of flexibility.

The radical virtue of German criticism is precisely this desired flexibility, which, so far from reducing all works to one standard, endeavours to appreciate them from their own central point. The Germans have long been celebrated for their cosmopolitism: much of their intellectual strength has proceeded from this tendency,—much also of their weakness. In criticism its effects have been almost wholly beneficial. What giants were Herder, Lessing and Winckelman! With what astonishing power did they, as well as Wieland, Göthe,

Schiller, Jean Paul, Tieck, F. Schlegel, Wackenroder, Solger, Hegel, and so many more that we must abstain from enumerating them,—with what power did they not only see into the nature of art, but also throw off their own national predilections, to view each artist from his own central point! What are the names that France can oppose to these? Not surely Bossu, Dubos, Du Piles, Louis Racine, La Harpe, or even Voltaire and Boileau? The only man who can at all be named as penetrating deep into the questions of art in the abstract is Quatremère de Quincy, and by the side of Lessing he is a pigmy.

It is to Germany that Europe owes the opening of a new vista in Grecian literature: it is to Germany that we are indebted if we are now somewhat enabled to call up the spirit of that wonderful literature, which for four centuries has been studied in a scholastic, pedantic and trivial manner. Grecian life, Grecian antiquities, Grecian history, Grecian literature, we owe them all to Germany; they were almost dead to us before. Even our own Shakspeare, about whom we are now so bigotted, needed German science to be appreciated fairly. We have learnt to shed no more tears over the 'inelegance' of Homer: we are saved all our pity for the 'wild and irregular' genius of the immortal dramatist.

All this and more we owe to German cosmopolitism, to a flexibility of mind which the French never had, and which we never suspected. We have learnt to separate art from artifice, to appreciate the superiority of life over convention. Whenever human passion has found melodious expression, a poet has sung,—a poet great in proportion to the sincerity and music of the feeling and expression. No matter in what language, no matter under what form his feeling has found vent, if the feeling be but true and the expression musical (imaginative), he is emphatically a poet. He may have the pomp of oriental imagery, or the severe simplicity and straightforwardness of the Greeks; he may have the sensuousness and *concelli* of the Spaniard or Italian, or the plain homeliness of the English ballad; but under all these forms he is a singer, and his song is poetry, "which is the eloquence of truth." Now for one nation to object to the nationality of another,—



for a Greek or Frenchman to object to the profuse imagery of the Indian or Spaniard, and not detect beneath those superficial differences the generic resemblance of truth and beauty, is not criticism but arrogance. These are very plain and simple truths; but they are only of modern enunciation, and needed the cosmopolitism of Germany to enunciate them.

French criticism, then, is inferior to the German, owing to a lamentable want of flexibility. The French, speaking no language but their own, were unable to acquire that familiarity with foreign poetry which must at last have opened their eyes to the fact that their own standards were not, could not be, universal. They were condemned therefore to the enjoyment of no poetry but their own, and in consequence greatly blinded to many of its defects. Since they have begun to study foreign languages, and to acquire strong sympathies with other forms of poetical expression, they have made great advances. We do not say that they have shown themselves to be illustrious critics, but they have shown that a greater knowledge of art is spread abroad. Unfortunately the *feuilleton* absorbs all the talent, and it does not produce works which form æras in literature. Occupied with discussing the productions of the day, it has little time for large questions of art, or patient criticism of the great artists; nor is there perhaps a public for such works. That France should so long have been regarded as the supreme arbiter of taste is perfectly natural, at a time when all Europe was imitating her writers; but that she was at any time a great or safe guide in such matters we wholly dispute, and have endeavoured in the foregoing remarks to show the reason why she was not, —why she could not be. More completely to show this, we must follow the course which criticism has pursued; and this leads us to consider the work of M. Alfred Michiels, placed at the head of this article.

The 'Histoire des Idées Littéraires' is a sad failure. M. Michiels is industrious; but industry alone, though quite indispensable, is hardly sufficient for a work of such philosophical import as this. But we wrong him when we say that he has only industry: a liberal endowment of coxcombry cannot be denied him; and this, with a spice of malice, con-

cludes the list of his positive qualities. He affects an intimate acquaintance with English and German literature. From the evidence here given, we should pronounce his knowledge of our own very superficial. The same of the German; the very language we suspect is scarcely known to him, since the only sentence we recollect his quoting he mistranslates. But the greatest deficiency of all is that of philosophical capacity. The history of the ideas which have ruled a nation's literature demands both depth and comprehensiveness in the historian, or it will be but a catalogue. If, as M. de Bonald says, literature is the expression of society, then must the historian thoroughly penetrate the nature of each phasis of society and estimate its influence. By M. Michiels society is set apart from the question, and perhaps fortunately.

Nevertheless, '*L'Histoire des Idées Littéraires*' is not altogether unprofitable reading. Those of our readers who are anxious for information will do well at least to consult this book; to no one else can we venture to say a good word for it. Badly written and false in its judgements, it has nothing but some not very recondite information to recommend it.

The whole history of French criticism may be resumed in a few words. Ever since the days of Boileau there have been two parties in constant antagonism: the one demanding a release from the weight of authority and urging the necessity of new styles; the other imperatively declaring that the ancients were the proper models, and that none other should be erected. Perrault and Boileau are the types of the two parties. The classicists, as they are styled, had the victory until very recently; then the romanticists for a moment turned the scale, and called the day their own. The immense quantity of nonsense which the squabbles of the two parties have caused to be published, has deterred many minds from the subject; yet it is one of great importance, lying indeed very near the root of art. It must be settled on philosophic grounds, or the present anarchy will continue.

"Viens défendre, Perrault, la France qui t'appelle!"

This was the invitation given to the great iconoclast, who in the seventeenth century set up the banner of reason against



authority, as he said,—of extravagance against reason, as Boileau said. He obeyed the call: his '*Parallèle entre les Anciens et les Modernes*' was to show the superiority of the moderns over the ancients: unfortunately the portions of his book which were reasonable were weakened by the exaggeration of the rest. Like many reformers, he went so far in his attacks as to rush past his enemy: in trying to shoot too well he overshot his mark. Blaming the ancients as often groundlessly as with reason, he was only treated with contempt: his errors were exposed, his ignorance ridiculed, and what was excellent condemned together with what was bad.

Perrault saw dimly that, literature being the expression of society, each new phasis of society must produce a different literature. The *Iliad* was a proper epic for the Greeks, but not for the French. The mythology and legends of antiquity were no longer to be used in poetry, since they were no longer subjects of belief. But though we are convinced that these opinions vaguely agitated Perrault's mind, they did not gain consistence or clear utterance. All that is definitely put forth in his celebrated *Dialogues* is, that the moderns being older in wisdom than the ancients are really wiser than they; that in poetry, eloquence, history, science, nay even in the fine arts, the ancients are totally inferior to the moderns,—and such moderns as Chapelain! Indeed it is characteristic of the book, that the author places the *Iliad* and *Æneid* below *La Pucelle* of Chapelain. This revolutionary fervour, this resolute ignorance, prevented his having a fair hearing. M. Michiels sneers at Boileau for only exposing Perrault's errors and false translations, instead of grappling with his ideas. We would advise M. Michiels to study Boileau a little more: he will find that great writer anticipating almost everything sensible in the system of the romanticists, and that without the accompanying nonsense: he will see moreover that Boileau did not deem the arguments of a man like Perrault worth answering: it was enough to prove the reformer grossly ignorant of the language of those authors he pronounced absurd. Proving this, was showing that he was not entitled to sit in judgement or be heard on the question. Boileau did not deny that a modern might equal

or surpass an ancient; he thought Racine equal to Sophocles; but he resolutely denied the possibility of such moderns as Chapelain or Scudéry approaching the perfection of Homer or Virgil. Boileau objected to Chapelain because he was a bad writer, not because he was a modern one. To him, Racine, Corneille, Molière, even Lafontaine (though it is generally thought otherwise), were men of great genius; he recognized them as such in spite of their being moderns: yet he wisely abstained from pronouncing them equal or superior to the ancients, simply because "*leurs ouvrages n'ont point encore le sceau qu'ont les ouvrages d'Euripide et de Sophocle, je veux dire l'approbation de plusieurs siècles.*" He before pointed out how many a writer has delighted his contemporaries, without counting an admirer in the succeeding generation; he asserted therefore, that until succeeding generations have stamped a work with their approbation, it cannot be pronounced truly great; but when once it has undergone this ordeal, its rank and immortality are secured, for "*le gros des hommes, à la longue, ne se trompe point sur les ouvrages d'esprit.\**"

Perrault's manifesto may be summed up in a few words: the ancients were very mediocre poets, whom modern pedantry has elevated to the rank of immortal models. The admiration expressed for them is traditional: in some it is superstition, in most hypocrisy. Away with such folly! let us open our eyes, see for ourselves, and boldly declare the immortality of Chapelain.

To show the world the nonsense it has so long been cheated into admiring, he proceeds to criticize the classic writers. The manners painted by Homer he deems very burlesque and vulgar: heroes cooking their own food, and princesses washing linen, inspire him with unmitigated pity. He forgives Homer however; the blind old singer was not to blame because he could not foresee the refinement of advanced civilization. The style of the ancients also calls down his animadversion: he considers it vulgar, verbose and full of insignificant de-

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\* In his 'Lettre à M. Perrault,' he very explicitly and judiciously states his opinions respecting both ancients and moderns. It is worth consulting.



tails. The Greek tragedians are uninteresting, commonplace and wanting in every dramatic requisite: the chorus is his especial annoyance,—it is as useless as it is tiresome.

A man who talks in this way must at least prove his adequate comprehension of the language in which those authors wrote; otherwise he is obviously beneath criticism. Boileau, therefore, very properly undertook to refute him by proving that the faults which Perrault blamed were of his own creation. The attempt of Perrault was revolutionary, and failed, as it deserved to fail: it pleaded for license under the guise of pleading the cause of reason: it endeavoured to set up false idols, declaring them to be the only true: it gained over many of those who, not well versed in classical knowledge, suspected that all the admiration professed was at the bottom mere hypocrisy; but it gained none of those who were competent to judge.

The question raised by Perrault has since been very often and energetically put by succeeding writers, both here and in France,—Is the admiration of the classics genuine, real, untainted with hypocrisy? This doubt has been often proposed, still oftener felt. Hundreds have felt it, but have not dared to give it utterance; modesty and shame have stifled the expression. Some have boldly solved the doubt, and declared that there was nothing genuine in the admiration; that it was a tradition, a pedantic superstition. There are, however, few hardy enough thus to set themselves in opposition to the judgement of centuries, continually renewed; there are few who can consent to own themselves so deficient in the classical taste and knowledge which have so long been the badges of refinement. Meanwhile the question is as far from solution as ever.

The whole dilemma, as it seems to us, lies in the very different nature of the delight received from the works of an ancient and a modern author: in the former it is *critical*, in the latter *emotional*. Persons not seeing this distinction, and not feeling the same delight in reading Virgil as in reading Byron, yet expressing their admiration of both in the same terms, are apt to suppose that others share their gentle hypocrisy. It is a fact, therefore, that while many sincerely

delight in classic writers and make them their constant study, a far greater number affect that delight and exaggerate the small pleasure they have received, lest they should be supposed incapable of receiving as much as others; but, be it remembered, the admiration when most sincere has very different grounds from that felt for a contemporary production. No classic work has what we have called an emotional effect: our pulses do not beat at its witchery, our hearts do not swell at its eloquence, our eyes are not moistened by its pathos; it images a different world, with different feelings and different ideas; we do not worship its gods, tremble at its superstitions, or glory in its national pride. Its language may be that of the gods, could they speak; but it is not *ours*, it has not the myriad associations which, as by an enchanter's spell, our own raises in our minds. What is its sonorous, grave and stately march, in comparison with the magic power in every native tongue? In sonorousness the English may be, nay is, greatly inferior to the Greek; but to all English ears it has the charm which no other charm can equal,—it is our own. The guttural, hissing sounds have been familiar to our ears in infancy, boyhood, manhood and old-age; we have heard them from our parents and our playfellows, from the soft lips of our lovers, in the tender anxieties of our wives. Scenes of mirth and scenes of sadness are linked with certain words: our joys, our hopes, our cares, our griefs, have found utterance in those words, which, though unmusical to any other ears, are full of charm to ours. This charm can never exist in a foreign tongue, yet it is the primal element of poetical delight.

Our emotional delight therefore in a modern work, supposing it to be really capable of satisfying us, is far more intense than that derived from any ancient masterpiece, and is indeed of a totally different nature; but it by no means follows that we should admire it more. We may very conscientiously prefer Milton to Homer, as on the whole affording us more pleasure, but we must not therefore declare Milton to be the more admirable poet; this is a question of criticism, and into it there will enter various considerations quite independent of our individual pleasure. We may like Milton



more, but will all ages and all nations? He speaks our language and our thoughts, but to those who speak differently and think differently he can only afford a critical delight.

We take up Homer; we admire his straightforward, garrulous, fresh, vigorous and sounding writing; we are interested in the pictures he draws of primitive manners; we are delighted by the morning breath of poetry; there is a perpetual pleasure to the philosophic mind in watching the peculiar style of the primitive singer, so different from our own, so similar to that of all other early singers. But all this is the pleasure of the understanding; it is critical, not emotional. We do not weep with Andromache and Priam, but we see how the Greeks must have wept: the shafts do not enter our own hearts, but we hear the dreadful twanging of the bow, and know how sure the aim; we are not the marks, but the bystanders, capable of judging of the marksman's skill, but not of feeling its effect.

If then our admiration of the classics be critical, if it be grounded in the judgement, not in the emotions, (and the same applies in a less degree to all foreign poets,) its sincerity will depend very much upon our critical knowledge. If we have been long familiar with the language and feel its delicacies and felicities, our enjoyment will be great: if our historical knowledge of the æra be full and vivid, our enjoyment will be increased: if to these we add a knowledge of art and a large acquaintance with the best works in other languages, our enjoyment will be very considerable indeed, but always critical. Thus Boileau, who was an accomplished scholar and profound critic, had a very sincere admiration and enjoyment of the ancients. Voltaire, who was a very indifferent scholar, honestly said, "*Toutes les tragédies grecques me paraissent des ouvrages d'écolier en comparaison des sublimes scènes de Corneille et des parfaites tragédies de Racine.*" Finally, Perrault, who was no scholar at all, thought admiration for the classics all pretence. These three are types of their classes. It is a charge brought by Perrault and which has constantly been repeated, that the ancients are admired because they wrote in Latin and Greek; if they had written a modern language nobody would care about them. This is extremely silly. The mere language has very

little to do with the matter : Seneca's tragedies are in Latin, yet very few people ever look at them, and never except from curiosity or for information. Who ever reads Gallus? How seldom are Statius, Propertius, or even Lucan read! We need proceed no further to show, that if the classics were admired because they were ancient and written in dead languages, the bad poets would be as much studied as the good. There is in truth a far greater interest attached to the classics because their languages are dead, and this interest will even triumph over indifferent poetry: there is so little of ancient literature left, that we cannot afford to spare even the bad.

One more remark respecting the critical nature of our admiration for the classics. It is notorious that none but an "educated eye" can appreciate the paintings of the old masters. To the man who only brings his senses and intellect to bear upon an old picture,—who, ignorant of the art, unfamiliar with its specimens, has only his impressions to guide him, however great his intellect, however keen his sensibility, the old picture will appear dingy, ill-coloured, perhaps even disagreeable:—to a connoisseur it will be deep, glowing and full of meaning. Does then the connoisseur feign this? No: the pseudo-connoisseur does, because he wishes to be supposed to understand pictures; the real lover of pictures is perfectly in earnest. The uneducated man cannot understand why the connoisseur should spend day after day in studying Titian's 'Jupiter and Antiope'; nor why it should be thought a miracle of beauty by those who yet detest Guérin's 'Dido and Æneas.' This latter celebrated picture is perhaps the most generally admired in the gallery of the Louvre; it is very bright, very soft, very warm and very smooth; it is excellent *tea-board painting*, and for this reason charms all uneducated eyes; but it is no more a good picture than Montgomery's 'Satan' is a Miltonic poem, though fifteen editions show that many people think so.

The cause for which Perrault combated failed, but it was not given up. La Mothe, Marivaux, Diderot and others from time to time renewed the fight, and with more success, because they directed their blows against more vulnerable parts. The drama was the subject chosen for reformation: the attacks were directed against three points,—the unities,



the employment of confidants and the pomp of language and character. We need say nothing here respecting the unities, they have been very generally given up; the confidants were also undeniable faults in dramatic construction; but respecting the pomp of language, we have some observations to offer in defence of the classic school, especially as the romanticists have completely overlooked what appears to us the real nature of the question.

We begin with insisting on all arguments founded upon what is "natural" being removed from the question. Art is art, and as such different from nature; verse is not the natural speech of any man, and to endeavour to make verse natural is to deprive it of its artistic qualities and merits; verse, therefore, is amenable to the laws of metrical harmony, not to the laws of ordinary conversation. The sophism about nature has been fertile in erroneous criticism; it must be done away with at once.

French poetry, like its language, is a thing apart, *sui generis*. The romanticists have made the gross mistake of overlooking this: seeing in Shakspeare and Calderon the mixture of the familiar with the sublime, they have imagined the same might be accomplished in French. So far from this being the case, French poetry can only be stately, artificial and elegant. Such a passage as that in *Lear*,—

" I am a very foolish, fond old man,  
Fourscore and upwards; and, to deal plainly,  
I fear I am not in my perfect mind,"

it would be impossible to write in French. Why? Their language does not admit of such plain and familiar words being employed in poetry, on account of the syntax being so rigid, the inversions so limited. The pathos of the passage, as has been often remarked, is increased by the simplicity of the words. True; but how are these words selected, and how collocated? In this lies the triumphant art of the poet. If only simple words were needed for pathos, every town-clerk might draw tears; but we know that such words are very perilous, and that the line between the most exquisite art and downright drivelling is barely perceptible. Wordsworth's error consisted in not seeing the difference between the use of homely words and vulgar expressions; accordingly

he often raised a laugh where most he wished to move sympathy. Suppose Shakspeare to have written—

I am a very *silly*, fond old man,  
More than eighty years of age; and, 'pon my word,  
I fear I'm not quite in my senses.

All the pathos would be gone: nevertheless the words here employed are plain, the expressions are perfectly simple, and quite in accordance with ordinary conversation, *for which reason* it ceases to be poetical.

The art of the poet then consists in using homely words, but avoiding the homely turn of expression, and avoiding also any words that may tend to raise degrading associations. The difference between 'foolish' and 'silly' is very small in meaning, but is immense in poetical effect; and it is the poet's keen sense which must direct him in the choice of happy words. Victor Hugo in '*Hernani*' suffered Ruy Gomez to be called *vieillard stupide*: this created an uproar every night, and when he revived the play some years afterwards he judiciously suppressed the passage. Many people are unable to see what made the *parterre* so sensitive: this was the reason,—it is admissible in English tragedy for one man to call another 'fool,' 'rash fool,' even 'rash old fool,' and no audience would laugh; but if he said 'Why, you old fool!' the pit would shout in derision. *Vieillard stupide* has the same effect in French. In short, it is not so much the simplicity of the word, as the vulgarity of the colloquialism, which disturbs poetical feeling.

The French language does not, like the English, admit of many inversions; in using ordinary words, therefore, it is extremely difficult to avoid using ordinary collocations. There are ways of escaping the difficulty, as great poets have shown. Here is an instance from Boileau, of the description of lighting a candle:—

“ Des veines d'un caillou qu'il frappe au même instant  
Il fait jaillir un feu qui pétile en sortant,  
Et bientôt au brasier d'une mèche enflammée  
Montre à l'aide du souffre une cire allumée.”

This is very masterly writing, but it is as rare as it is masterly: the language refuses to bend beneath the will of the poet; its syntax is as rigorous as it is limited. Unable to write



simply without degenerating into prose, the poet is forced to employ every artifice to escape being ridiculous. Hence the pomp and uniformity of expression, hence the impossibility of being familiar without vulgarity. We can turn a phrase into a variety of shapes, and so avoid the effect of a colloquialism; we can omit pronouns, verbs and expletives. The French have no such liberty; they have no choice left between artificial verse and prose.

This will account for the abundance of epigrams and antitheses which are found in the French tragedians, and for which foreigners unjustly reproach them. A good antithesis has a sharp startling effect amidst a quantity of declamation and description: hence the beauty of the couplet of Voltaire describing Tancréd in battle:—

“ Il voulait mourir, il n'était qu'invincible ;  
Plus il s'abandonnait, plus il était terrible !”

Still finer is the single line in Victor Hugo's ‘*Burgraves*,’ where the lover promises his mistress to replace both father and mother:—

“ Oui tous les deux ! j'en prends l'engagement sans peur !  
Ton père ? j'ai mon bras ! Tu mère ? j'ai mon cœur !”

The first line is as weak as possible, but the second is beautiful. Let us add the sublime passage in ‘*Athalie*’ which ends with that magnificent and well-known line,—

“ Je crains Dieu, cher Abner, et n'ai point d'autre crainte.”

It is a sorry criticism which only sees in these passages the epigrammatic turn, without also appreciating the admirable effect.

We throw out these hints, as much to assist the student in his appreciation of the French tragedians as to clear up the present question on which we are engaged. Conscious that in a form of art so different from that of other nations there must be much to startle the unpractised reader, we shall be rendering no slight service in assisting him to adjust himself to the right point of view. We repeat, then, and we say it in defiance of French critics, in defiance of the romantics, that to alter the style of the classic tragedians is to destroy French tragedy. We do not say that no alterations

can be made in the mysteries of 'enjambement' and 'césure.' That the mechanism of the verse may be improved is possible, but not the style of diction. The instinct of such poets as Racine is worth volumes full of theory. The drama grew up under the hands of Corneille, Racine and Voltaire, and the shape it assumed was the true national shape,—as national as the Shakspearian drama is for us. Romanticism may for a time usurp the throne; 'Cato' was once thought a model in England, but after awhile the nation returned to its former idols, from which novelty and fashion had seduced it.

If it seem temerity in us, as foreigners, to assert that, in spite of the temporary success of romanticism, the true national French drama is the old classic, in diction at least, we will waive all arguments drawn from the probability of Racine having done what all the great early poets did, viz. fixed the form, and point only to recent facts. The chief, the most celebrated, and unquestionably the most able of the romanticists, after along silence, brings out at the Théâtre Français his trilogy of 'Les Burgraves.' This play, the obvious fruit of immense care, produced with all the splendour the Parisian stage could afford, heralded by preliminary praises, protected by a name celebrated throughout Europe, and supported by bands of enthusiastic admirers,—this play could not keep possession of the stage for twenty nights. About the same time a young man from the provinces had presented a play to the Odéon: it was on the model of Racine: the dagger and poison-bowl were absent; the 'stage effects,' the violent contrasts, the ranting passions, the unnatural characters of the *drame* were replaced by pure, elegant and harmonious verses, an antique simplicity of conception and execution, and characters distinctly and faithfully delineated. All Paris flocked over the water to the *Quartier Latin* to see the 'Lucrèce' of M. Ponsard! A bad theatre, with indifferent acting,—an unknown author, venturing to revive a decried and neglected school of writing,—these obstacles did not prevent the triumphant success of 'Lucrèce,' which was played all last season and is resumed in the present one. Criticism only increases its popularity. What meanwhile has become of 'Les Burgraves'? No theatre performs it, no one reads it, no one criticizes it; nevertheless it is not more



false, more absurd than 'Hernani,' 'Angelo,' or 'Ruy Blas;' and it is quite as effective in stage-tricks and much better written. Why then did it fail? why did 'Lucrèce' succeed? Because in truth the public had recovered from its intoxication, had got tired of the novelty of the *drame*, and welcomed 'Lucrèce,' not as a novelty, be it remarked, but as a return to a healthy style,—a national drama. No doubt the *drame*, with its coarse effects, was preferable to those classic plays written after the time of Voltaire,—simply because in those there was no effect at all. Dulness, droning dulness, had usurped the scene; anything was preferable to that. But because these authors wrote bad plays, imitating Racine, it by no means follows that Racine is a bad model; it only follows that they were bad poets. When a good poet arose (and M. Ponsard has proved himself to be one) the public immediately showed that its real taste was classic and not romantic.

We have endeavoured, both by argument and facts, to show that the artificial diction of the classic writers is the only fitting style for French tragedy. We have endeavoured to point out how the attempt to make this style familiar is to make it prosaic, and that wishing it to be more natural is wishing it to be no longer art. Indeed this is the inevitable result, which might have been foreseen, which has been accomplished. The reformers, it is true, shook the throne of the classic drama; but it was only to establish a *prose* drama. Can anything be more illustrative? "Racine is tiresome from the monotony of his elegance; Voltaire is frigid from the abundance of antitheses and epigram; passion nowhere expresses itself naturally, etiquette has taken the place of nature, the drama has no familiarity." These were the popular assertions, and they ended in the prose drama. Art was sacrificed, because it could not be art and nature at the same time: prose was more natural, and it triumphed.

The great result, then, of so much battling and such loud-trumpeted conquest, is that the drama ceased to be poetical! Instead of the poet, it employed the playwright. We do not here condemn the prose drama, we only state the consequences of false criticism. The *drame* was, and is, more or less in accordance with the demand for novelty, or it would not

have succeeded ; but it is not poetry. The age may be prosaic, or may prefer poetry in other forms : certain it is that the *drame* suits the Porte St. Martin and its audiences. It may be likened to the novel, which, though very amusing perhaps to the majority of readers, more amusing than a poem, is nevertheless inferior as a work of art. And the question here concerns art, not amusement.

We say, therefore, that as often as the French poet wishes to write tragedy he must follow the classic model. If he only desires to amuse a vulgar audience, he may write a *drame* ; but he might as well amuse them with spectacle or operadancing, as far as poetry is concerned. We will not say that the *drame* is not a proper thing for the stage : if it be found more entertaining than a tragedy, authors are right in producing it. But we cannot watch the honourable attention of a Parisian audience witnessing a play of Racine, which they have seen over and over again, without believing that there is something in the very nature of that drama peculiarly attractive. We cannot see this steadiness of admiration and this refined delight, without believing that the classic is the truly national drama ; especially when, on the other hand, we see the works of the romanticists, which claimed the most attention in their day, now completely shelved. If Victor Hugo be right and Racine wrong, how is it that the public so soon got tired of the one and never of the other ? If Racine be formal and frigid, how is it that France continues to weep, tremble and exult at his tragedies ? how is it that the life and fire of Victor Hugo cannot warm an audience ?

The real case is this. Racine's art is founded on truth, that of Victor Hugo on falsehood ; the passions in Racine are deep, subtle and above all true. The language is exquisite and the thoughts admirable : the style is that which France recognizes as national. In Victor Hugo there is nothing of this : his characters are false, his passions false, his language by turns admirable and ludicrous, and above all the form of his drama anti-national. The public cheered him on for a time,—he offered them novelty : their admiration was a caprice,—like all caprices, it did not last. After they had once been startled with his stage effects, they could be startled no more, and began to find out that the more peaceable but



refined and lasting pleasure afforded them by Racine was after all to be preferred. After they had been startled by moral paradoxes, they returned with fresh enjoyment to truth of human passion. The attempt to force upon the nation the peculiarities of foreign dramas only produced incongruity; and, the novelty once gone off, the incongruity was apparent. Novelty of course will attract, excellence alone can permanently succeed. Could *new* classic tragedies be written, and written well, they would always attract, because they are truly national. Unfortunately none but men of rare talents can write them well; unfortunately also mediocrity in art is insupportable. A stirring *drame* is better than a dull tragedy, as a tale of adventure is more amusing than a bad poem: but a beautiful poem is worth hundreds of novels; a good tragedy is better than the very best of *dramas*.

We have so often in the course of this article spoken harshly of Victor Hugo, that we owe it to his admirers to state briefly our reasons for so doing. In many respects we sincerely admire him, but as a dramatist he seems to us as pernicious as he is paradoxical: he is in truth a playwright, not a dramatist. Strength, as Carlyle well says, does not manifest itself in *spasms*: so, we say, a dramatist does not waste himself on paradoxes, which are the spasmodic efforts of weakness trying to be genius. Out of the elemental passions does the true poet construct his drama, preserving the logic of passion in the truth of character; and his work endures, for it is of eternal substance. But the paradoxes of Victor Hugo, however they may startle and amuse, can never last: they are like ice-palaces built for Russian fêtes,—brilliant, but uninhabitable and melting at the first approach of summer. Does he wish to delineate parental love?—he selects a Triboulet and a Lucrèce Borgia. Does he wish to paint man's love?—he selects a monk, a monster and a valet; a Claude Frollo, a Quasimodo, a Ruy Blas. Woman's love?—he has no fitter types than two notorious prostitutes, Marion de l'Orme and Thisbe. Does he wish to picture the sacred grandeur of old-age and the reverence we owe it?—his old men are a bandit and a fratricide, whose ferocity and crimes are lost sight of in their courage and prowess. In the same spirit of paradox he makes his Burgrave of a hundred years,

as well as the son of sixty, vigorous and full of life, while the only young girl in the play is dying of slow disease. We will not ask the reader to compare these things with Racine; we will only ask him to compare them with M. Ponsard, and then consider whether our judgement is well-grounded.

In the fiercely debated question which has so long occupied French criticism, we take the side of the classics: not, we trust, with bigotry; not without a full persuasion that modern writers have in some things introduced great improvements; but from a philosophical examination of the question, led to the conviction that the classic is the national style. As Englishmen, and as upholders of the Shakspearian drama, we cannot be supposed to be prejudiced in favour of the old French school; but as critics, recognizing French poetry as something *sui generis*, we see every reason to believe that the admixture of foreign elements is destructive of its very essence. If French taste was destructive of poetical vigour in England and Germany, we are sure that English and German taste would be equally destructive in France. It is on this ground that we would urge France to assert her independence, and force her poets to cultivate the national style instead of borrowing that of other nations. The great influx of bad taste, consequent on the introduction of English and German writers, has now had full time to manifest its incompetence: the novelty of romanticism has worn off. Let us hope that M. Ponsard's 'Lucrèce' is the herald of a new æra. When once that is accomplished, France will have great critics of her own art,—critics of foreign art we fear cannot be expected from her.



## ARTICLE II.

*Introductory Lectures on Modern History.* By T. ARNOLD, DD., etc. Second edition. London: Fellowes, 1842.

IN attempting to notice an author and a work both so distinguished as those which we have placed at the head of the present article, it is hardly necessary for us to disclaim the pretence of giving, within our present limits, anything like a full consideration of either. Still less do we sit down in the spirit of self-satisfied presumption, which would affect to pay a tribute to the memory of the great man so lately taken from us. Our object is simply to make use of this opportunity for noticing a few points in the character of one who has exercised a wider influence on the national mind than perhaps any writer of the day.

If indeed we put any trust in Bacon's axiom, that the opinions of young men between the age of twenty and thirty form the surest sources of political prophecy, the interest attaching to Dr. Arnold's oral and written teaching becomes unbounded. We may be supposed to refer especially to the minds formed by himself, in the great school over which he presided. With them indeed his influence was really magical; we question whether any Englishman in his situation ever received such a tribute of implicit love and reverence. These feelings are totally different from those with which we have sometimes seen schoolboys regard the consummate taste or perfect scholarship of their master. In the deepness of respect and heartiness of personal attachment, they almost reached the devotion with which young converts looked up to philosophers of ancient Greece or to the fathers of the Christian church. We can hardly imagine a character more thoroughly fitted than Dr. Arnold's to command the admiration of the young, in all their manifold varieties of age, temper and disposition. The winning tenderness with which, in his weekly sermons, he sympathized in the little hopes and troubles of a schoolboy's life, must have made its way to the heart of the youngest child in his congregation. For those of a more advanced age, there was a singular charm in his openness and simplicity of heart, in the manly vigour of his

mind, in the fiery gallantry with which he girt himself up to denounce an injustice or an abuse, in his utter scorn of everything mean, tyrannical or cowardly. Those who had grown to man's estate under his charge, whose development he had watched and fostered with more than the sympathizing interest of a friend and more than the unwearying fondness of a parent, found ample food for the continued nourishment of their respect in his purity of moral judgement and single-minded earnestness of purpose. The influence so acquired was wholly unsullied by anything that could rivet it at the expense of its purity. Keenly interested in all the great theological and political questions of the day, Dr. Arnold yet shrank instinctively from the knavery and chicane which has been dignified by the name of proselytism. He threw his whole heart into the struggle between the Past and the Present; yet no intensity of devotion to a secondary end could make him admit of that subjugation of the free intellect by which man is encouraged to sacrifice his responsibility to his personal feeling, and to embrace truth, not for its own sake, but for its preacher's.

But we rejoice to think that his influence was not thus limited. By the great body of the middle classes of his countrymen,—not only by the polished and the learned, but by thousands in general suspicious of the teaching of a minister of the established church,—he was looked up to with remarkable attention. His sudden death was felt as a personal loss by many who knew him only from a slight acquaintance with his writings. In spite of the fascination that attached to Dr. Arnold's manners and conversation, we can hardly recollect an instance of an author whose influence with the reading world so nearly kept pace with that springing from his personal intercourse. Perhaps the nearest parallel is to be found in the case of Voltaire; and we believe that no one since Voltaire has succeeded so perfectly in transferring his own character to his writings, in reflecting himself in these precisely as he lived and moved, and went through the ordinary business of his life. In Voltaire's letters and criticisms it is impossible to mistake the wit and the *bon vivant* of the Regency,—the hero of the painful and ludicrous squabbles of San Souci,—the "grand persifleur," so merciless



when touching the vanity of others in their tenderest part, so unconscious while laying bare his own,—the angry and bigotted declaimer against the passion and bigotry of seventeen centuries. We see likewise his burning hatred of injustice, his audacious defiance of a fanatical government and a persecuting church. Dr. Arnold's writings admit us in the same way to a private intercourse with the author. Not that we have any affected parade of miseries and passions; on the contrary, no writer seems more reluctant to expose his personal affairs to the intrusion of society. But we can see the decision and energy of his mind in the stirring scenes of his *Roman History*: in the "Sheffield Letters" and the pamphlet on Church Reform, we can admire the intellect, of capacity for the council-chamber or the camp, broad and sweeping in its generalizations, but adapting itself to the most thoroughly common-place details of practical arrangement. We can trace his whole career of late years through the five volumes of his *Sermons*: we see him actively ministering to a village congregation; we follow him to the noblest sphere in which man's faculties can be developed,—the command of the great school which it was the business of his life to raise and Christianize: we listen with his pupils to his affectionate correction and exhortation from the pulpit: like them, we can recall with a painful interest the singular fitness of the subjects he treated during the last weeks of his life: we can accompany them through the gradual adjustment of his career, to the mournful and prophetic solemnity of its close.

Most of our readers are no doubt familiar with a remarkable essay in which Mr. Carlyle has compared the characters of David Hume and Samuel Johnson. From such a critic the great Englishman was sure to meet with justice; for his virtues were precisely those after Mr. Carlyle's own heart, and his very failings were plainly such mere exaggerations of his nobler parts,—his hatred of "our natural enemies," his disgust at Frenchmen and his contempt for Scotchmen were so coloured by his hearty love for England,—the whole host of "Johnson's prejudices" were so much a part of his reverent loyalty for the Past, that we suspect they rather contributed to give clearness to, than to obscure, the image in the mind

of his judge. But neither does Mr. Carlyle show any insensibility to Hume's greatness; and after a fair balance of those two representatives of the eighteenth century, "they were," he exclaims, "the two half-men of their time; whoso should combine the intrepid candour and decisive clearness of Hume, with the reverence, the love, the devout humility of Johnson, were the whole man of a new time." Is it too much to say that Mr. Carlyle's aspirations might have found an answer in Dr. Arnold? that in this, as in other respects, it is the province of the nineteenth century to combine and concentrate the truth and beauty which preceding centuries have only given us in scattered fragments? that in the complete and healthy growth of Dr. Arnold's mind, these various gifts are presented in ripe and full development? Hume himself did not labour more earnestly to disabuse himself of a prejudice, Hume's mind was not richer in "dry light," Hume himself was not more restless under the consciousness of an unsifted prepossession, or more zealous to scare away the brood of errors and phantoms which haunt the threshold of the strongest mind. But the rest of Dr. Arnold's character was all Johnson,—Johnson refined indeed, and softened, and looking down with no supercilious indifference on sorrows or vexations however trifling,—but still Johnson, in all his generosity and strength, in his noble strife with evil days and evil tongues, in his unflagging faith in the victory of Right. A search after truth as active as that of Hume was followed by a worship of it when proved as hearty as that of Johnson. More consistent than the former, or indeed than either, he lost not his admiration of goodness from the effect of any outward ridiculous associations, nor suffered any intellectual greatness to balance his hatred of moral evil. No awkwardness or fanaticism could win him from his love for the martyr Puritans; no brilliancy of successful genius could reconcile him to the selfish apostacy of Henry the Fourth or to the worldly intolerance of Richelieu.

As an index to the general bearings of Dr. Arnold's mind, this volume is perhaps more valuable than any of its predecessors; for it is curious to observe how, in the compass of nine lectures, he has contrived to notice, more or less, almost all the great questions that are at present debated, how he em-



braced them all in his master-science of historical philosophy, how impatiently he hurried to extend to others the fruits of his own exuberant and lively thought. Almost every subject which he treats of is connected with some one of his duties as a Christian citizen, springing as they all did from the remarkable acuteness of his moral perception, and finding their very "roof and crown" in his theory of the identification of church and state,—the realization in England of his ideal of a Christian commonwealth. But perhaps his Sermons (it may be from the usually professional cast of such compositions,) are still more striking in this respect. A great proportion of them are of course strictly subsidiary to his immediate aim of purifying the general tone of opinion among the members of his school; and in this it is impossible for those who have not carefully studied them to form anything like a just appreciation of their vigour and the tenderness of their tone. But even here the essentially active and (if we may use the word in its highest sense) the *political* character of the man is visible. His hearers are addressed on every topic most fitted to rouse them to the necessity of individual exertion for the common good, not as mere units in the world, but as fellow-labourers in the vineyard, endowed with mighty privileges for good or evil, and charged with mighty responsibilities. No description could illustrate our remarks so well as a few specimens from the five published volumes of his Sermons. We could have wished especially to select the last sermon of the fourth volume, preached on the day of the coronation; but for many reasons we prefer to quote the following passage, at once so noble in its conception and so directly practical in its bearing. It was written—not indeed for his school, but for a country congregation—during the hurry of the last election, and presents a melancholy contrast to the degrading disclosures of the following year: but a nation which hears such language as this from her pulpits need not despair even at the revelations of the Bribery Committee.

"At this very time public matters are engaging the thoughts of a great many persons all over the kingdom; and are not only engaging their thoughts, but are also become a practical matter in which all are acting with great earnestness. Is it nothing that there should be so much interest

felt, so much pains taken, and yet that neither should be done in the name of the Lord Jesus, nor to the glory of God? It cannot be unsuited to the present season to dwell a little on this subject, which has nothing to do with men's differences of opinion, but relates only to their acting, whatever be their political opinions, on Christian principles and in a Christian spirit."

"On the other hand, supposing that we have this strong sense of the great responsibility in the sight of God of every man who has the privilege of a vote, we shall be exceedingly careful not to tempt him to sin by fulfilling his duty ill. Nothing can be more natural or more proper than that those who have strong impressions themselves as to the line to be followed in public matters, should be desirous of persuading others to think as they do; every man who loves truth and righteousness must wish that what he himself earnestly believes to be true and righteous should be loved by others also; but the highest truth, if professed by one who believes it not in his heart, is to him a lie, and he sins greatly in professing it. Let us try as much as we wish to persuade our neighbours, but let us beware of influencing their conduct when we fail of influencing their convictions: he who bribes or frightens his neighbour into doing an act which no good man would do for reward or from fear, is tempting his neighbour to sin; he is assisting to lower and to harden his conscience,—to make him act for the favour or from the fear of man, instead of for the favour or from the fear of God; and if this be a sin in him, it is a double sin in us to tempt him to it. Nor let us deceive ourselves by talking of the greatness of the stake at issue; that God's glory and the public good are involved in the issue of the contest, and that therefore we must do all in our power to win it. Let us by all means do all that we can do without sin; but let us not dare to do evil that good may come, for that is the part of unbelief; it becomes those who will not trust God with the government of the world, but would fain guide its course themselves."—*Sermons*, vol. 4, p. 434.

We need not marvel that the writer of such words should extend their application alike to individuals and states,—that he should declare that "the question may be asked of every created being if his life does not, by doing God's will, consciously or unconsciously, tend to God's glory or to the good of his brethren?" For to him, if to any one, life was but an opportunity for furthering man's highest good, which, if not improved to the utmost, was wickedly and wantonly cast away. Private or public, all power was to be used to God's glory; in all things zealous for his Master's business, he seemed not so much to dispute, as utterly to fail in comprehending, in realizing to himself, the notion of a system which held anything, much more the sovereign authority of a state, as ministering only to physical and secondary ends. This,



for instance, is remarkably shown in his estimate of the character of an historian ; and we are the more willing to extract the passage, as it has been a subject for criticism with one of our contemporaries.

"What is it that the mere antiquarian wants, and that the mere scholar wants also, so that satire, sagacious enough in detecting the weak points of every character, has often held them both up to ridicule? They have wanted what is the essential accompaniment to all our knowledge of the past,—a lively and extensive knowledge of the present; they wanted the habit of continually viewing the two in combination with each other; they wanted that master-power which enables us to take a point from which to contemplate both at a distance, and so to judge of each and of both as if we belonged to neither. For it is from the views obtained, from the conclusions so acquired, that the wisdom is formed which may really assist in shaping and preparing the course of the future."

"The past is reflected to us by the present; so far as we see and understand the present, so far we can see and understand the past, so far but no farther. And this is the reason why scholars and antiquarians, why men calling themselves historians also, have written so unconstructively of the ancient world: they could do no otherwise, for they did not understand the world around them. How can he comprehend the parties of other days who has no clear notion of those of his own. What sense can he have of the progress of the great contest of human affairs in its earlier stages, when it rages around him at this actual moment unnoticed, or felt to be no more than a mere indistinct hubbub of sounds and confusion of weapons?—what cause is at issue in the combat, he knows not. Whereas, on the other hand, he who feels his own times keenly, to whom they are a positive reality, with a good and evil distinctly perceived in them, such a man will write a lively and impressive account of past times, even though his knowledge be insufficient and his prejudices strong."—*Lecture 1, p. 85.*

Now whatever we think of this theory, it cannot surprise any one who is familiar with the turn of Dr. Arnold's mind. "If there be no truths in moral and political science, little good can be derived from the study of either: if there be truths, it must be desirable that they should be discovered and embraced\*." If history be merely a catalogue of dates, and it be the province of a separate science to classify and draw inferences from them, then the work might be left for another,—it was clearly not the work for Dr. Arnold. He was too habitually zealous in the service of his

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\* Preface to the 'History of Rome,' vol. i.

neighbour; so long as there was evil and ignorance to be redressed, the "*otia solus agam?*" of the Roman stoic was sounding too perpetually in his ears; he prized too highly his opportunities for doing good, to turn aside to any path, in which, if any good could be done, it at all events was not to be taught to others. A contemporary Reviewer starts a doubt on the difficulty of preserving impartiality; to which Dr. Arnold long ago furnished an answer in the passage following that which we have just quoted. He argues, and surely with great truth, that neither as historians nor as private men have we a privilege to be indifferent, because we would be impartial; that the purest impartiality may keenly appreciate political truth and falsehood; that here, as elsewhere, it is our duty to give an opinion, and to be responsible for its soundness; but that we are partial only if we assert political, with the same decisiveness that we assert moral truth, if we sacrifice the latter in our worship of the former, or palliate the wickedness of so doing in a faction or a leader. This, and not mere advocacy of a definite cause, is partiality that really deserves the name, and instances of it are unhappily plentiful. Thus Xenophon\* is partial when he contradicts his own words, in order to exaggerate the guilty apprehensions of the Athenians at the close of the Peloponnesian war. Hume† is in the highest degree partial, when he assigns language to the Bishop of Carlisle that could have had no existence in the reign of Richard the Second, in order to bring out in stronger relief the intemperance of the revolutionary party. But for Thucydides, with every thought centered in his task of recording the fate of a worn-out democracy, the follies and extravagances of its prosperity, the gleams of a worthier spirit when it turned to bay at last,—for Tacitus, reduced to the most melancholy confession that was ever wrung from the pen of an historian, as he contrasted the slavery around him with the glories of the old republic,—for Mr. Hallam, never doubting for a moment on which side lay the truth, but calling in succession Cranmer and Bonner, Mary and Elizabeth, Strafford and Cromwell, before the same incorruptible judge-

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\* See Thirlwall's 'History of Greece,' vol. iv. p. 157.

† Professor Smyth, Lect. Mod. Hist. vol. i. p. 135.



ment-seat,—for Dr. Arnold himself, joyfully celebrating every blow struck at patrician privileges in England or in Rome, but glowing with admiration of Papirius as he roused his countrymen after the disasters of Caudium, and of Appius as he eloquently pleaded against peace with Pyrrhus,—for such historians as these, we see that the task of impartiality, though arduous, is not impossible; that a sound judgement and an honest purpose can never repress their freshness and liveliness of spirit, from a fear of degenerating into faction. The names of these writers may correct the Reviewer's unfairness in citing the great standard historians as opposed to Dr. Arnold's theory. Of all those whom he mentions, Robertson alone is chargeable with entirely neglecting the philosophy of his subject; and we believe it to be certain that the popularity of his elegant and skilful narratives is for that very cause day by day upon the wane. Has it not passed into a proverb, that Hume's whole history of the Tudors is an elaborate preparation for his defence of the Stuarts? and again that this, as we are told in the very last page of his history, was expressly constructed with reference to the state of England under the long period of Whig government that followed the Revolution? Even the great name of Niebuhr has been pressed into the cause; but it is surely impossible to forget how clearly the struggle between the two orders at Rome is illustrated by his perpetual references to contemporary history, and above all to the striking analogy between the position of the Plebs and that of the Irish Catholics. Again, to take the great school of modern France. The depression of the *tiers état* by the feudal chieftains, the relics, in the author's theory, of the conquering Frankish army, is constantly present to M. Thierry throughout his brilliant picture of the gradual subjugation of the Saxons by the imperial intellect and unrelenting perseverance of the Normans. M. Guizot's character of Charlemagne derives half its interest from his parallel of the attempted revival of the empire in our own day. It is useless to say how much the laborious pedantry of Capefigue is enlivened even by his lamentation over the decay of faith and loyalty,—the faith and loyalty in question being those due to the Jesuits and the mistresses of Louis the Fourteenth.

Such, then, was Dr. Arnold's estimate of the historical character, and such the aim which he proposed to himself in the work before us. We have heard it compared to several epitomes of modern history, and among others to the valuable lectures of Professor Smyth. But the title of this volume is its best description: they are strictly Introductory Lectures,—not the full harvest, but “the first fruits of his renewed connection with the university,” as the author expresses it in his most becoming and graceful dedication to Dr. Hawkins. They do not pretend to be an outline of modern history, or even of any detached portions of it: they simply state, in the first place, the scope of history as a science, and then the means of studying it to advantage; and it is manifest that the fact of the author's subsequent death makes such a volume far more precious than one upon the plan of Professor Smyth's lectures; for it adds to rules of practical study, a complete scheme of political and moral principles, arranged each in a comprehensive framework, in which every subject that filled the mind and imagination of the author found its appropriate and becoming place. It is not true that these lectures are a mere medley of all the theories which had been fermenting in Dr. Arnold's brain, “struggling to be born” for the last twenty years. On the contrary, the germ of almost every one of them may be traced in the Inaugural Lecture at the beginning. The first lecture of the course introduces us merely to the bare materials of history,—to its sources of information, such as treaties, memoirs and the like. The next sketches out modern history in its two great divisions; the first that of the middle ages, the second that of the last three centuries. The character of the simpler period is thoroughly examined,—the degree of trust due to its writers, the contrast between them and their fellows of the more complex period that succeeded. From this, still strictly on the plan of the opening lecture, we proceed to consider the external life of Europe during the three last centuries, the European wars, the various tendencies to be traced throughout their course. Few specimens of historical composition can compare with the breadth and vigour of the rapid sketch that follows, in which an account of the various attempts at universal monarchy is wound up with a brilliant picture of the



rise of the French revolutionary empire. Still keeping closely to our plan, we next inquire into the several laws on which alone a Christian nation can consistently engage in wars; and thence, by a natural transition, we pass to the internal life of a nation, which Dr. Arnold illustrates by a view of English parties since the reign of Elizabeth.

We believe that these lectures (the fifth, sixth and seventh) will be the most generally attractive, and certainly no other works of Dr. Arnold show so clearly his singular faculty of generalization. We question whether any living writer would have been so successful in bringing before us, one after another, the various parties in church and state, in stating accurately the distinctive features of each, and in so skilfully avoiding at the same time all needless irritation of personal and party prejudices. In the whole course of the two centuries so rapidly analysed, we only recollect two instances of individual character-painting. The characters introduced are those of Falkland and Junius: no two could have been so sure to draw out Dr. Arnold's liveliest sympathy and bitterest dislike, nor could any others have been so certain to produce no disagreement among his hearers.

The first point that every one will notice in this part of the lectures, is the skill with which Dr. Arnold gives a clear notion of the period on which he is occupied, by grasping at once those elements of society which for the time represented all that was most sterling and valuable in the nation. We are constantly told that the province of history is to represent the progress of the national mind, but we should be at a loss to mention more than one or two modern writers who have reached even a moderate degree of excellence in this direction. In Hume's history, for instance, we can find no picture of English society as it existed before the Restoration: he looked at the whole series of the feudal ages, at the century of confused and hesitating progress which announced a general breaking up of the old European world, at the still more memorable century in which the whole fabric of the middle ages fell down, like the walls of the Canaanitish city before the blast of the Hebrew trumpet, with feelings of the coldest epicureanism that the world has ever seen. Hume speaks of the Saxon institutions and the early Norman kings, in much

the same style of tolerant indifference in which his contemporary Encyclopedists criticized the heroic beauty of the old Gothic legends; testing the thoughtless self-devotion of the Crusades, by canons as enlarged as those which Voltaire applied to the madness of Hamlet and the bereavement of King Lear. The work of Dr. Lingard is vitiated by the worst heresy that can infect an English historian. It was his business to represent the facts of our annals, as they appeared to a power whose pretensions have been always sure to array against them all the national feeling of the most intensely national people on the earth. Mr. Sharon Turner has laboured long and anxiously to give us a picture of the national advancement in all its branches, as appears to us with singular ill success. This failure seems in great measure like that of M. Capefigue, who strives to realize to us the age which he is describing by elaborate details, in the very spirit of the Herald's College or of the decorators of a theatre, by descriptions of the dresses, the armour, the festivals of the epoch. Who but Mr. Turner could have devoted two octavo pages to the personal attractions of Henry the Eighth, or seventeen to his fondness for athletic sports and tournaments? Most of our other writers take some one feature in society, perhaps the most prominent one for the time, and carry it through their whole history. One writer takes the Parliament, another can think of nothing but battles and sieges and the disposal of conquered provinces, another is for ever casting a lingering look at the fortunes of the established church.

It is otherwise with Dr. Arnold. The national church is the principal figure in the opening of his fifth lecture, and rightly so, from its real importance at the time. In the middle of the sixteenth century, the party of the Reformation seems thoroughly identified with the patriotism and intelligence of its day. Hated by the catholic nobility, whose ancestors had followed the consecrated banner of St. Gregory at Hastings, and whose escutcheons were charged with honourable additions won at Acre and Jerusalem,—ignorantly disliked by the rabble, who were attracted by the mischievously profuse hospitality of the confiscated monasteries,—yet comprized the great mass of the wealth and activity of th



nation, of the yeomanry, of the legal and parliamentary interest. Hardly a single English statesman held fast by the old religion. The strength of Mary's cabinet was mainly ecclesiastical. But we turn over a few pages of the book of history, and we find the church already the church of the aristocracy. The maxim of "No bishop, no king," was looked upon as a sober truth by wiser heads than that of James the First. The weight of the middle class of Englishmen was confessedly on the side of the Puritan and Parliamentary party; it was the party of Milton, of Marvel, of Vane, of all in whom the peculiar spirit of the time was most forcibly expressed, and as such it receives the hearty and respectful admiration of Dr. Arnold. His quiet neglect of the weighty topics which at present shake the Common Rooms of Oxford,—such as the copes and crosses and genuflections, and the swarm of revivals in which Laud and his admirers delighted,—must have proved more stinging to his university audience than even the bitterest attacks. But again we pass to another century. The Parliament of old which had so gallantly fought the battle of the people, was itself in the hands of the great landowners, and evidently too narrow for the various classes and interests that were hourly rising into notice. The inefficiency of the national institutions was every day made more apparent. In every popular question, the Parliament was either goaded into action by the cry out of doors, as in the case of Warren Hastings; or it was sure to enlist all the public sympathy against it, as in the case of Wilkes. The Church too was in much the same predicament. The zeal of the Non-jurors had been replaced by a contented acquiescence in the rights of the reigning family. The abuses of pluralities and private patronage, unheeded, were quietly ripening to a head. One great religious movement, and one only, broke the general calm, and that was expressly called out by the supineness of the establishment: with no ecclesiastical or political recommendations, Wesley and Whitfield went forth in the spirit and power of apostles, and soon every village-green and hill-side numbered its own congregation of enthusiastic worshippers. England had plainly undergone a change somewhat similar to that which M. Guizot describes as having occurred in France at the same time. Society was everything, the go-

vernment was nothing ; and accordingly, it is to the state of society that Dr. Arnold addresses himself in his notice of that century. We hear little of the parliament or the church, but very much of public manners and the tone of society, very much of those general tendencies which rather originate than follow upon any change in actual law.

The fifth lecture closes with a sketch of Elizabeth, and we need not say how thoroughly Dr. Arnold appreciated her lofty and commanding character. We are not sure that the unworthy depreciation to which she has been subjected of late may not have induced him here and there to check a natural expression of blame or sorrow for single instances of misconduct on her part. But in the main he presents us, not with a mischievous exaggeration, but with a faithful and noble portrait of the woman, whose genius for government extorted the reluctant admiration of Sixtus ; the Gloriana, before whose feet the profoundest intellects and the most practical statesman of her day,—Bacon and Cecil, Henry and Sully,—were all proud to humble themselves. With the whole strength of Protestant Europe at her disposal, and wielding it so as to consolidate the resources, trace the character, and win the enthusiastic love of the wise and understanding people committed to her charge, her position must have seemed in Dr. Arnold's eyes the very perfection of earthly glory. With all her faults, her character reflected in most exact miniature the prevalent feelings of contemporary Englishmen as regarded the Reformation. In point of doctrine, the Reformation had elsewhere been far more of a popular movement. The Puritan bitterness against the Romish ceremonial was of a growth entirely foreign to the change in the English church : but there was a deep national dislike to the yoke of a foreign church, strong enough to support Henry the Eighth through all the barbarities and inconsistencies of his ecclesiastical government, and more than once to shake his eldest daughter on her throne. Elizabeth had felt the pulse of the nation far too skilfully, not to know that she might safely defy all risks in defence of the royal supremacy.

To say that Elizabeth valued the royal supremacy above most doctrinal differences with Rome, is with some writers tantamount to saying that she was a Protestant, not from



liberate conviction, but from selfish lust of power. Undoubtedly she strained her spiritual, as also her temporal supremacy to the verge of its hardly defined authority: but its recognition did not less embody a deep and valuable truth,—a truth which had never wanted unconscious witnesses through all the turbulence of the middle ages, and the misconception of which is closely allied to many of the most important social problems of our own day. The profession of this truth draws all our sympathies to the side of William against Anselm, of Henry against Becket: it was asserted by the saintly courage of Louis the Ninth, no less than by the vulgar greediness of the Franconian emperors. In all these, the national resistance to Rome appeared as mere advocacy of the personal rights of the sovereign; and on this accident was based the attempted identification of the Guelph cause with the liberal and popular one. But no personal authority is vested in the Queen by the recognition of her supremacy. She is superior over causes ecclesiastical as well as civil, on the principle (to borrow Mr. Keble's illustration\*) by which the Cæsars wielded the authority of the Roman empire, as the representatives of the state and greatness of the whole nation,—exercising, in the language of Hooker, "an authority derived unto her from them." The theory of the Roman church, in its highest acceptation, looked upon the universe as a vast Christian commonwealth, over which the Popes had supreme spiritual and temporal authority. But in fact this notion was so monstrous, so abhorrent to the natural sense of mankind, that in the practical working of her system she was forced to recede from half of such extravagant pretensions. Still holding fast by her spiritual supremacy, she ended herself by breaking the theory and casting aside the truth, which, debased and exaggerated as it had been by her, still formed her strength; she ventured to assume the separation of the church and the state, to look upon human society as a mere device for protection to life and property, and to attempt supplying the want of a moral power at home by an extra-national jurisdiction from abroad. Hence it was, that the offences which an imperfect morality had looked upon as eminently spiritual, (such as

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\* Preface to Hooker's *Eccles.*, Part I. p. 78.

causes relating to legacies, to marriages, etc.) were referred to the ecclesiastical jurisdiction, as the representative of the foreign church. It was plain that in the scheme of Christianity spiritual causes were to be judged by the church: it was assumed that clerical was synonymous with ecclesiastical jurisdiction; and that in consequence the laity, with their national laws, were unfit to be judges in such decisions. The theory of the Reformation, on the other hand, restored the laity to their rights and responsibilities in the government of the church. The royal supremacy represented the position of the chief magistrate at the head of that section of Christendom which belonged to the English crown, and which consequently was styled the English Church. On this theory, as God ordained kings not only "to fat up men like hogs, and see they have their mast"\*—so, as legislators, laymen do not lay aside their Christian character. In this view, the ordering of public worship by act of parliament is not the hard-handed legislation of the world for Christ's church, separate from and opposed to it: it was simply, as Dr. Arnold elsewhere remarked, the assertion of the right of the laity to make their own laws, as opposed to the right of the clergy to make laws for them. The imaginary rights of convocation are worth no more than the right of the representatives of other professions to arrange the relations in which such professions shall stand to the whole state. Convocation found its fitting place, as a subordinate committee, in arranging, as Mr. Coleridge would have phrased it, the special affairs of the clergy; in preparing measures to be submitted to final approval or rejection by the sovereign authority of parliament; but the waspish reclamations of its independence we have so lately met with, spring from a train of ideas wholly inapplicable to our domestic government. The Horseguards might as well pretend to legislate for the army, or a commission of lawyers to set the last ratification to any improvement they may have recommended in the criminal code. Our eminently political education may have brought this truth out more prominently in England than elsewhere; but the English crown, or rather the English commonwealth which it represents, has not been

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\* Hooker, *Eccl., Pol.* Book viii. Ch. 3. Sect. 2.



alone in maintaining it. The main features of the doctrine are distinctly stated in an eloquent harangue of Luther's, which M. Merle d'Aubigné has published.

It is unnecessary to tell our readers that the character of Elizabeth's government was mainly affected by her assertion of this supremacy : it formed her chief strength in the "halcyon days" at the beginning of her reign. The clouds which were darkening round its decline, were first formed by popular misconceptions, and then thickened by her heir's intemperate folly, on this very point. Elizabeth's struggle on this question with the Catholics, was, as Dr. Arnold justly remarked, the mere struggle between a nation on the one side and a few conspirators on the other. These received formidable encouragement indeed from the remorseless craft of Philip and Catherine abroad, from the pretensions of Mary Stuart at home, from the narrow feudalism which still lingered in the baronial halls of Northumberland and Westmoreland, from the desperate energy with which the ancient faith snatched convulsively at any weapons for the recovery of lost dominion ; but still they were mere conspirators, when opposed to the "great and puissant nation, rousing herself like a strong man out of sleep and shaking her invincible locks." With the Puritans the case was very different.

It is provoking to think of the trumpery quarrels about ceremonies and dresses,—the vestiarian controversy, as it was pompously styled,—by which the English church almost in the hour of its birth was rent with a schism, which has ever since been growing wider and deeper, till differences of form have insensibly engendered differences of faith ; till the imperfect development of our church has been supplied by a new voluntary organization unrecognized by the state ; till the various classes of English Christians have become so hostile to each other, that there seems to many to be no alternative between actual persecution and a total renunciation of God's public worship by the nation. A little more of the wise moderation of Parker, of the large philosophy of Hooker, a little less of the Tudor fondness for a magnificent ceremonial in Elizabeth, and of spiteful teasing tyranny in Whitgift, and the church and the state of England might still have been identical. But though the scruples of the Puritans might at

first have been easily removed by a little kindly sufferance, yet of their own nature they were sure, if unheeded, to grow every year more serious, inasmuch as they sprung from no mere sensitive caprice, but from very deep and important causes. Those causes seem to us to have so naturally produced many of the evils which Dr. Arnold treats of in his seventh lecture, that we shall make no apology for dwelling on them a little longer.

We enjoyed a great advantage in the middle of the sixteenth century by having a Protestant on the throne. Not that the Reformation was thereby directly forwarded; for it is likely that the pent-up fury of popular feeling would have burst out with a terrible shock after a persecution, as was in fact the case on the accession of Elizabeth. But it was an unspeakable blessing, that the alterations of religion were the work of the highest authority in the land,—that the change went on soberly and orderly,—that the idea of nonconformity to the national worship was not paraded before men's eyes as in itself wise and reasonable. Even the prevailing indifference on points of abstract theology was fortunate for this reason, that men were less inflamed with individual enthusiasm, and more certain to consider the national church as much an integral part of their social existence as the national revenues, forces, or legislation. The desire for further progress was not manifested by setting up separate conventicles, but by the legal and constitutional means of obtaining a preponderance in the councils of the state. At the accession of Mary all this promise was blighted: many of the English protestants went into voluntary exile; they changed their position as members of a Christian commonwealth, united by race, language and religion, for that of isolated wanderers, united only by the tie of religion, and united by that with men of all tongues and races.

*"Plus illâ vobis acie quam creditis actum est,  
Arsacidæ, bellum victis civile dedistis."*

The exiles suffered deeply from the lack of all human and earthly relations: they were thrown back to the position of the early Christians, and exposed to all the dangerous errors against which the latter were so zealously cautioned. They began to consider themselves as a church in Babylon, to look



on the princes of this world as the ministers of the triumphant persecuting evil principle. Perhaps the first sign of this feeling was the publication, in 1556, of Knox's pamphlet "against the monstrous regiment of women." It was subsequently developed in Goodman's work, and in the "*Vindiciæ contra Tyrannos*," which has been ascribed to Beza. The calmer spirits of the party were content with separating the notions of the church and the state, with scorning secular authority in matters of religion however trifling. The constant neighbourhood of continental popery had invested their most insignificant badges with a peculiar holiness in their eyes. They returned to England, and found much cast in the same outward form that had annoyed and galled them abroad: in their view the authority of the Pope had been merely transferred to the Queen: persecution and suspicion came to embitter every scruple, and root it more deeply in their minds; in a few years, the surplice and the crozier were hated as the badge, not of popery alone, but of slavery to the state.

The first generation of English reformers passed away, soon followed by the great Queen, whom they had regarded with fear and pride so strangely blended. Throughout her reign the mass of the Puritans had remained in sullen and unwilling conformity; partly, it may be, from her personal influence, partly from the common terrors of France and Spain, partly because they were averse to separation from many churchmen, who, while they guarded the national establishment, laboured anxiously to remove every unnecessary stumbling-block from the path of their old companions in banishment. But the next generation were men of a different stamp; they were men, in the nervous language of Dr. Arnold, "who in their hearts hated the Reformation" altogether, hated especially the foreign Protestants, hated "the doctrine of justification by faith, loved ceremonies and rites, idolized antiquity, preached up the priesthood, and" (in the words of Lord Falkland) laboured to bring in an "English, though not a Roman popery." At their head was placed a sovereign, who had all Elizabeth's tenacity of power, without an atom of her wisdom or her deep sense of responsibility before God. James the First looked upon the royal supremacy, and the power that it gave him of persecuting

Dissenters, not as a duty to be solemnly fulfilled with fear and caution, not even as a means to any respectable end, but simply as an absolute end in itself, to be enjoyed for the mere pleasure of exertion. His feelings upon the exercise of his prerogative were much the same as those of a boy, who has been brought up under severe restraint at home, and is about to exchange it for the comparative liberty of Eton or Christchurch. His very cradle had been beset by sour Presbyterian divines; their ignorance and acrimony were associated in his mind with his mother's dethronement, with his own stormy childhood, with the presence of constant restraints upon his gloomy court of Holyrood; and Elizabeth was no sooner dead, than he showed his fixed intention of rioting in all the luxury of newly acquired freedom. He gave the Non-conformists one sign of encouragement,—the conferences at Hampton Court; but that boon was extorted by his pedantic vanity, the only passion that could make head against love of power. But all the learning of our "British Solomon" failed to make any impression on the authors of the Millenary Petition; and the schism, though even then it turned on unimportant points, went on rapidly increasing. Political and financial were soon added to religious grievances. The Scotch Presbyterians, the English Puritans, the Independents, the speculative Republicans, all made common cause against the church of Charles and Laud; and it became evident, that the concessions wrung from the bishops in the hour of their peril in 1641 would satisfy neither party. The English church was swept away, together with her episcopacy, her regularly appointed hierarchy, her magnificent endowments, her prelates, whom in that inauspicious hour she had forced into the council-chambers of kings. At length the Restoration arrived. With one party holding benefices *de facto*, and another claiming them *de jure*, there seemed strong reasons for hoping that a compromise might yet be entered into. Even at this time, the church of England had not expressly disallowed Presbyterian ordination, and most readers will be surprized to find how few are the important points noticed in Baxter's voluminous "Exceptions to the Book of Common Prayer,"—one petition for moderating the language of the baptismal service on regeneration,—another respecting the absolution, in the



office for the visitation of the sick,—one notice of an obsolete rubric and of two or three passages in the Apocrypha,—and a whole host of vexatious cavillings about kneeling and chanting, dresses and postures. True, on Dr. Cardwell's showing, the bishops appear to have behaved as ill as was possible on the occasion. They first forced the Puritan managers to a form of discussion which they disliked: when both parties were too heated for a fair decision, they brought out a document, which if it had been known sooner might have freed England from Dissent for ever; and then, when the cry of No-concession had prevailed, they foisted into the service, as if from pure wantonness of tyranny, objectionable passages which they had long before professed their willingness to expunge. Then followed the new St. Bartholomew in England and the persecutions of Lauderdale and Claverhouse in Scotland; and the last attempt was made to establish an exclusive church for both countries. It failed, as the fate of his father might have taught the king it would do: and finally, when the genius of William, Burnet and Tillotson had proved unavailing to untie the complicated knot, it was summarily cut by the Toleration Act,—an admission, as Dr. Arnold tells us, that the church and the state of England could no longer be identical,—“a confession that the great “idea of the English Reformation could not be realized in “the actual state of things,”—a confession indeed, which, as a close to the period we have just gone through, was a necessary and humane one, but surely not one to be boasted of in the abstract, not one to which we should point as in itself perfectly satisfactory.

And now, after the desperate struggle thus ended, we enter with Dr. Arnold on the treacherous calm of the eighteenth century. The great battle of civil and religious freedom had been fought: the former was secured for ever, and, if the latter victory was incomplete, yet an honourable armistice had been agreed to on both sides. No one who has followed Dr. Arnold through his earlier lectures, will be surprized at the question which he now asks, or at the answer which he receives. For, on inquiring how far the nation had improved the opportunities she had won, he complains that the ground which had been cleared with so much toil was covered with

no new edifices; that we went on prating about freedom, as if it had been an end in itself; that the state had been so crippled in the abuse of her power, that she shrank from exerting it at all; that the practical evils of the seventeenth century continued unredressed, our criminal code still reckless of human blood-shedding, our prisons still crowded and filthy to an intolerable degree; in a word, that a fearful growth of new misery had been added to the old. Individual energy had done its best; wealth had been lavished without stint or check to its abuse. A vast population had grown up, a mere aggregate of individuals; with the liberty indeed of free men\*, but with the dangerous and degrading vices of the slave character. While the refinement of the upper classes had received its highest polish, the masses continued to increase and multiply, beyond the reach of any church to humanize them, and untouched by any organization to call their social feelings into play, save the old and obsolete one that had sufficed for a population of half their number. But the cry of these things still went up to heaven, and the trial-time of the nation passed rapidly away; till the sleep of a hundred years was broken by a tremendous crash, and society awoke, to wonder at the class jealousies and the vast amount of angry and bitter feeling which had so long been festering unnoticed.

Yet how could it have been otherwise? When the ancient Greeks and Romans would bind together the various classes of a state, so that poor and rich should have some common ground on which to forget the distance which separated their physical conditions, some common object on which all could at once bend their eyes with love and hope, they were not content merely to herd their subjects together within the same walls, or to bid them live under the same code of temporal laws. Those legislators rather united them by solemn sacrifices, by the worship of the same gods, by holy ordinances which opened and closed every act of national exertion. It was impossible to separate the civil and the priestly duties of

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\* See this view most admirably put forward in some letters by Dr. Arnold, that appeared with the signature F. H. in the "*Hertfordshire Reformer*," two or three years ago.



a Roman magistrate. The feast of the Apaturia reminded all Ionia, save only the two excluded cities, of their common fellowship in Athenian blood ; for those legislators knew that, if they would ensure the whole action of the whole man, they must leave no part of him unappealed to,—least of all, the very highest element of his nature. In some measure we followed their steps.

The theory of the English Reformation, considered merely in a political light, was above all praise : but by the Toleration Act, necessary as it was, “the nation sanctioned the non-observance of its own institutions, and relaxed by one half “the bonds of national communion.\*” The century that followed witnessed the first step in carrying out the theory by which Locke and Warburton had tried to solve the anomalies of our position,—the first attempt at testing whether the idea of national union could be successfully realized by a body of men who lived together for the mere sake of protection to their persons and property. In some points, indeed, the theory was imperfectly acted on. Men could not, in the first place, shake off all the recollections of a former state of things, when duty to God had been synonymous with duty to the country,—when the sovereign authority, from which there was no appeal, was not presumed incapable of taking cognizance of moral truth. There was still a church, which once had been another name for the state,—which still was so in idea, so far as any idea could be clearly made out from the mass of perplexed and contradictory legislation. There was still the monarch at the head of the church, and his position was a living contradiction to the assumed separation of religion and politics ; for if it had been taken in logical accordance with the facts with which it co-existed, the usurpation and iniquity would have been too monstrous to endure for a moment. But there was also a body of citizens joining in all objects of national exertion, deciding questions which imply right and wrong,—the highest questions that can come before an earthly tribunal,—but having no communion with their fellows in religion. Their allegiance on temporal matters

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\* “Principles of Church Reform ;” by the Rev. Dr. Arnold, p. 23. (Fellows : 1833.)

was given to the state, their spiritual subjection was diverted to Rome or to a Wesleyan conference; that is, they obeyed from fear and interest the laws of England, but their sympathies, their social feelings, all those impulses which bind man to his brother man, were narrowed to the field of their religious partialities. Hence came the separation between politics and morality, which Dr. Arnold dwells on at so much length. A church still existed in the nation, charged with the task of controlling licentious conduct: her existence seemed to free the state from the obligation which heathen Rome had acknowledged by the institution of the censorship. But this notion was based upon a mere falsehood. What was to become of the millions without her pale, citizens but not churchmen? Between them and the state there was only a physical and material alliance. She might punish robbery and treason, but what had she to do with vices as distinguished from crimes? Doubtless the voluntary system did something to remedy this: doubtless the church was so supine as to give little hope that an increase of activity would follow an increase of opportunities. But if the action of the national religion had thoroughly pervaded the whole nation, if society had resolved to make exclusion from Christian communion felt as the loss of the highest earthly blessing, there is no doubt that we should not so habitually have considered private vice compatible with public virtue, that we should at least have been spared the grievous scandal of seeing "a man walk out of gaol and take his seat in the highest place, even as a legislator," to decide on the rights and laws of Christ's church. Hence laws began generally to lose their moral character,—hence, as Dr. Arnold has shown in his magnificent sermon on the coronation-day, when society began to rate the suppression of a nuisance at a higher price than the risk of an immortal soul, human blood was shed lavishly on the scaffold; hence the advantage of wringing the truth from a witness was held to out-balance the public demoralization of tampering lightly with oaths; hence a public revenue was held to be worth attainment by means of the indiscriminate gambling of lotteries. Statesmen seemed bent on proving how long they might persist in chaining to the earth their noblest aims and purposes. We



suppose there never was an age so habitually unconscious of any duty higher than that of mere abstinence from active wrong, as the eighteenth century,—never one in which men knew and felt so little of any duty to their neighbour: no age was ever so fruitful of Chesterfields and Horace Walpoles, of wits and men of fashion, who lived only to mimic clumsily the Sybaritic indolence of the French noblesse: in no other age could Warburton have talked of “the old-fashioned virtue of patriotism.” In truth it was only a jest, and not a very good one; but still it was a jest which would have been sadly out of place in the seventeenth century, and which it would not be quite rational to hazard in our own. But perhaps the strongest instance of the prevailing epidemic is to be found in the very man who did more than any one else to rouse the nation from the degradation to which she had sunk. When the fall of the Bastile was startling the privileged orders all over Europe, it is curious to see the best defence that could be made for them by the strongest English intellect of the day. Edmund Burke defended the old noblesse as “of a high spirit and a delicate sense of honour,” as “tolerably well bred,” “very officious, humane and hospitable,” as “not having had any considerable share in the oppression of the people.” He describes the French clergy as “men of moderate minds and decorous manners,” as “beyond the clerical character, liberal and open, with the hearts of gentlemen and men of honour, neither insolent nor servile.” To such an estimate of national privileges and responsibilities had England been reduced by a relaxation of her bonds of citizenship!

We would not understate the great good we owe to the eighteenth century, nor deny that it powerfully aided to adjust the right relations of the church and the state. The same philosopher who gave a name to the exclusively physical theory of government, established in his matchless “*Letters on Toleration*” one truth of incalculable importance,—the inutility and criminal folly of persecution for opinion; proving most irrefragably how

——— “Spirits that live throughout  
Cannot, but by annihilating, die;  
Nor in their liquid texture mortal wound  
Receive, no more than can the fluid air.”

This truth was evidently about to receive its full development in the abolition of religious disabilities on large classes of our countrymen: but was it impossible to add to it that other cardinal truth, that the labours of a Christian nation must be united and sanctified by a Christian worship? that so far as men consent to act as legislators, so far as they are citizens without reference to religious truth, so far they are most surely heathens? We have connected the shortcomings of the eighteenth century with its neglect of this view, and the main object of Dr. Arnold's writings has been to show that this—the "moral" theory of a state, as he has called it—contains nothing in itself objectionable or dangerous.

He lays down broadly in his opening lecture, that at first sight it is impossible to conceive how any society can have an ultimate aim distinct from the ultimate aim of every individual composing it; that, as the highest good of the latter is the greatest moral improvement possible, so the end of the latter would at first appear such also; that any objection to this view must be grounded on difficulties which render its practical fulfilment inconvenient; but still that, barring those obstacles, the acknowledgment of such an end is inevitable. The objections brought against this theory by its two most distinguished opponents, Bishop Warburton and Mr. Macaulay, group themselves all under this head. The arguments of the former will be noticed shortly; it is enough at present to dwell on those brought forward in the celebrated review of Mr. Gladstone's "Church and State." Dr. Arnold has devoted nearly the whole of the appendix to his Inaugural Lecture to the refutation of the latter essay; and it is no slight triumph to have maintained so stout a contest with the lucid reasoning and sparkling eloquence of his great antagonist. But to all Mr. Gladstone's earnestness of sentiment, Dr. Arnold joins a clear and careful style, which saves him from a thousand mistakes into which Mr. Gladstone was seduced by his fatal command of plausible and vague language. For example, Mr. Gladstone's whole theory is based on the assertion that all "power," as the gift of God, is to be used to his glory, that in consequence the possessors of all such power are called upon to hallow it by joint acts of worship. Mr.



Macaulay has of course no difficulty in bringing forward a host of ludicrous analogies, in all of which the profession of a common religion would be a gross absurdity. Dr. Arnold admits that to require this qualification in such instances would stop the whole machinery of society; but he proves that his first principle, when duly limited, is not affected thereby, inasmuch as the only power of which Mr. Gladstone was thinking (though he did not take the trouble to explain himself), *i. e.* the power of government, stands on a totally different ground from any other power. He argues that if Mr. Gladstone's propositions be limited to the power of the supreme society, subordinate societies may safely be allowed to cultivate ends only physical and secondary. We do not thereby deny that God's glory is the end of all power *as such*; for we have at hand a sovereign society ready to witness that the pursuit of secondary ends is only a permitted deviation from a general rule, and ready to check that deviation if it pass its due bounds. But if the sovereign society itself have any end but a moral one,—the promotion, that is, of man's highest good,—it is manifest that in the last resort we should live merely under a base and devilish tyranny. For no authority on earth can be conceived superior to that which disposes of life and death; and if that authority be incapable, as on Mr. Macaulay's theory it must be, of appreciating moral truth, if its only rule of action be the physical interest of its members, then we Christian and immortal beings are holding our lives by no securer charter than the greatest temporal happiness of the greatest number. This is acknowledged in plain language by Spinoza: he saw that no one function of administration was open to a government which professed itself ignorant of right and wrong; that then it must be equally incapacitated from levying taxes or making war. Spinoza saw that somewhere there must exist a power of distinguishing moral truth and falsehood, that the establishment of a separate spiritual body invested with that power threatened to cripple and enslave the government which is responsible for the public safety: but he rejected the idea of a supreme divine law by which the government might regulate its own notions, and so by strict necessity he was driven to arm them with the power of enacting that supreme law for

themselves. "Nam quid summæ potestatis decernere possum, "si hoc iisdem jus denegatur? Nihil profectò, nec de bello, "nec de pace, nec de ullo quodam negotio, si alterius sententiam spectent, qui ipsos doceant, num id quod utile iudicant pium sit an impium\*."

Arriving then at Mr. Gladstone's conclusion, but sweeping away his careless reasoning, his inference follows naturally, that the sovereign authority must needs profess a religion, not more for the national expression of prayer and praise, than for the sake of binding the state together by the holiest of all ties which man recognizes. In this latter point Mr. Macaulay's train of analogies is even more useless than before; for there evidently is no absurdity, *per se*, in the fact of a railroad company or a benefit club professing a religion. A quantity of capital would no doubt remain unemployed,—the improvement of the soil, the rapid conveyance of intelligence would be impeded in such a case: these difficulties would follow on the scheme of requiring the qualification of agreement in religion; yet the advantages of zealous co-operation are so much increased thereby, that we find men willing to embrace them even at so great a price. We cannot open a newspaper without meeting advertisements for Wesleyan insurance-offices, Baptist clothing-funds and the like; and in all these cases it is manifestly presumed that a more united action will spring from a consciousness of united feeling on as many points as possible.

Here then our task is easy, provided we all consent to join in the same worship,—provided that, according to Hooker's theory, the same body of men, considered as citizens, form the state and, considered as Christians, form the church. In this case we avoid both the difficulties which are urged by Warburton; the first of which is that, by Hooker's theory, the church is made the slave of the state. Now, we might as well say that the state is the slave of the church: the will of the nation, as expressed by the voice of the majority, gives law to both: if state officers rule the church, church officers rule the state; there is one government for both, because there is but one body to govern. Neither is it true that this theory

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\* "Tractatus Theologico-Politicus,"—chap. 20.



authorizes persecution. The existence of a large dissentient body is surely not a necessary, though unhappily it has too often been an actual, effect of the public profession of a religion. In itself such a profession is not fraught with evil: it will require some hindrances, which we do not yet discern, to make us look at the theory of merely physical ends as aught but mutilated and imperfect.

But how is it when this harmonious union is beyond our reach? Must either of our cardinal truths be sacrificed to the other? are we to persecute, in order to secure conformity of worship? or, in our care for the rights of conscience, are we to cast off all national acknowledgment of allegiance to the Most High.

By ultra high-churchmen and by infidels this problem is summarily disposed of. Archbishop Laud sees in Nonconformity nothing but a crime: the truth is on his side, and it is his business to maintain it, to visit all opposition with a vengeance so terrible that it shall be as well worth a man's while to proclaim himself a felon as to dissent from the formularies of his church. Hobbes, on the other hand, recognizes no duty in a government but the preservation of the public peace: he sees that no agitation is so noisy as that of religious enthusiasts; they are, therefore, to be crushed at once with a strong hand: and as for the philosopher, who looks on all faiths as equally useful and equally false, why should he actively affront one superstition, which would only be replaced by another, as silly and perhaps more dangerous? Hobbes shrinks, indeed, from actually condemning the early Christians for refusing to worship the images of the Cæsars\*; but he limits so narrowly the cases of legal resistance, that he comes to much the same conclusion as Spinoza, whose theory on this point has most strangely been identified with Dr. Arnold's. Spinoza's words are as follows:—" *Di-vino an humano imperio obtemperandum, hic breviter tantum dico, Deo supra omnia obediendum; sed quia circa religionem maximè errare solent homines . . . . hinc sequi-*

\* See the '*Leviathan*,' Part III. s. 42, where Hobbes denies the crown of martyrdom to all save those only who have received special authority to preach that "Jesus is the Christ." But in '*De Corpore Politico*,' Part II. ch. vi., he seems to allow that a man is bound to die rather than to obey an infidel.

"tur summæ potestati, cui soli jura imperii conservare ac tutari, tam jure divino quam naturali, incumbit, jus summum competere de religione statuendi quicquid judicat, et omnes ad ejusdem de eâdem decreta et mandata . . . obtemperare deberi\*." Neither sceptics, then, nor high churchmen are in principle indisposed to persecute, though from the latter class we ought in fairness to except Mr. Gladstone, for whom any little petty tyranny has most singular attractions, though he shrinks from the only persecution which can prove effectual. But the majority of men, strongly feeling the monstrous inhumanity of persecution, has had recourse to a variety of theories for eluding its necessity,—to that of Warburton, for instance, which gives the state the mere province of protecting life and property, but connects it with the church by a fine-spun alliance, the conditions of which have been broken every year, and which certainly never in point of fact existed as the rationale of the English church establishment.

The means by which Dr. Arnold proposed to meet this difficulty were fully developed in his pamphlet on Church Reform, and met with very loud opposition some years ago, as tending to the confusion of right and wrong, the sacrifice of Christian truth, etc. But the same theory was professed by Hooker, by Burnet, by Tillotson: it is one which was recognized as admissible by Laud and Clarendon, and by all the participators in the Hampton Court and Savoy conferences; provided always, that we suppose they acted like honest men, and that they did not enter upon the conferences with their minds already made up to introduce objections which they hoped and knew would be fatal to a scheme of godless and unchristian Erastianism. Of course the difficulty is tenfold greater now than it was then; and the experience of the interval may show us that in another hundred years it will be ten times greater still. But the cry of Syncretism is so loudly raised against any one who at present labours to concede to Dissenters points which they resist on principle, and which we only rest upon positive law†, that it may be worth while to consider for a moment its real

\* 'Tractatus Theologico-Politicus,' chap. 16.

† See especially Archdeacon Hare's sermon on 'Christ's promise, the strength of the Church.'



value. To a certain degree syncretism (to take the popular meaning which is implied by this attack) must exist in every form of common prayer. If a man draws up prayers for his own use, it is possible that then every feeling of his own heart may find its exact reflection, that his prayers may contain every expression necessary for his own edification, and not one besides. But suppose a wife or a son called in to join his worship. No two human minds can possibly be in all respects alike; and it is therefore necessary that these joint prayers should either omit some points which one of the party holds as true, or contain some which he rejects as false. The former alternative is undoubtedly the safe one, and in fact it is the principle on which the English Liturgy has been constructed. Now it is obvious that the concession of very insignificant points would satisfy many of the Dissenters; and the solemn question to be answered by every member of the English Church is this,—not whether such or such a point be in his private opinion tenable, nor yet whether the Dissenters are wrong in disagreeing with him,—but whether the certainty of such a point, and the necessity for putting it forward be so undoubted, as to justify that man in making its adoption the *sine quâ non*, the denial of which is to shut out millions of immortal souls from the blessings of citizenship in Christian England. Manchester is ready to spring into rebellion at a moment's notice; half Yorkshire and Lancashire are in a state of helpless ignorance and pollution, the union of which has been hitherto unknown to Christian or even to Heathen Europe, and with which all the guerilla exertion of a voluntary system is utterly powerless to cope; the harmonious action of a national church, trusted by the nation, spreading her branches over the whole land and representing every class, is the only power capable of purifying the moral atmosphere from pestilence: and yet men talk of the danger of "concession to Dissenters," as if the latter were merely a troop of disputants, wantonly wrangling for a logical victory; as if England's greatness had not been crippled for the last hundred years, and her name were not now in danger of being blotted out from among the nations of the earth, by the same worthless, childish pertinacity.

But is there any difficulty in fixing the limits of concession?

If we sacrifice episcopacy to the Wesleyans, are we to sacrifice all church government to the Independents? Are we to give up our faith in the Trinity to the Unitarians? Nay (for these charges have all been brought against Dr. Arnold's theory), if the majority of a nation be Jewish or Mahometan, are we to sacrifice the existence of Christianity itself? Now it is enough to say, that the limits between Christianity and Heathenism are after all sufficiently distinct; and that, should it happen that the authorized organs of a nation should prefer the latter, such a nation is no longer a fit object for a Christian statesman to govern. It is of course impossible that he should have any sympathy with a people whose God is not his God, whose sacred things he looks upon as mischievous and depraving idols, whose right and wrong are tested by principles to which he finds no answer in his own heart. But still, a fallible man, he is not permitted to coerce them to his own faith, even if it were possible. His only course is to withdraw altogether from the field; protesting always against the evil that he leaves behind him, breaking off with sadness and reluctance the ties of kindred, of birth, of friendship, and content in the last extremity to be faithful only to his God.

But, in point of fact, this is not a fair extremity to which to push this theory; for Dr. Arnold declared over and over again, that the perfect realization of such a scheme was impracticable for the present. He knew that, after our long neglect of this important truth, it was utterly preposterous to dream of at once uniting the whole nation in works of hearty Christian worship: but he knew also that this was still the ultimate goal on which to fix our eyes; that we should never adopt any lower theory, because it was more immediately attainable; and that, if forced to accept a compromise, we should never rest in it as satisfactory and final. With the task before him of reconciling our two great principles, a statesman will of course most cautiously shrink from periling his victory by impatience even at unnecessary delays: he will watch well the circumstances of the time and the country. In such a nation for example as modern France, or, to take a still stronger instance, in some of the Rhenish provinces, such as Baden, he will of course shrink from exposing Chris-



tianity to the caprice of the public. He will feel that the ultimate end of a state would be better furthered, even upon the English system, by keeping up a church as a witness to the truth, and suffering her to be in practice the church of only half the nation. But we do most heartily believe with Dr. Arnold, that, in spite of all drawbacks, England is not to be counted among such states, and that Protestantism has not proved so total a failure in her most favoured dwelling-place. We are convinced that in England there is a vast mass of sound and sterling Christianity, which we keep apart from us by our foolish restrictions, but which looks on infidelity and scepticism with all the horror of the first Reformers, or of the Puritans that succeeded them. We are convinced that there would be no disappointment for a statesman who had manliness and faith to throw himself upon this body for support; and that (to return to the point we started from), the eighteenth century failed precisely because its legislators lacked the heart for such an attempt: they were content to rest in a poor compromise, long after its necessity had passed away; and in consequence men came to look upon each other as partners in a commercial firm, rather than as fellow-citizens of a great empire, the foremost of all the nations of Christendom. We are convinced that our sense of national glory, of national pride, of national contrition and shame, has thereby fearfully deteriorated; and that the remedy is not to be found in vicious exaggerations of our present system, not in pulling down the church as exclusive and tyrannical, nor yet in endowing fresh ministers, to be looked upon as obnoxious pensioners by half the nation; but in falling back upon the theory which was struck out at the Reformation, and which some of England's truest children have since laboured so earnestly to revive. It may be that it is a dream to say with Dr. Arnold, that such a reform would at once diminish, and in fifty years would almost destroy, Dissent: it may be that it is a dream to look upon it as a panacea for our present diseased and bloated habit. But if it be so, it is a dream fit to swell the heart and call forth the joyous tears of the patriot and the philosopher; it is a dream well worthy of that noble intellect which has lately reproduced it,—an intellect which united, in a higher degree than any other since that of Bacon,

a strong passion for the contemplation of ideal beauty, and a sound, vigorous, practical ability.

And here we must close this article, which has already swelled to a disproportionate length. But Dr. Arnold's theory of the identity of church and state was so completely the crowning-point of all his studies, and it has in general been so grossly misconceived, that we could not resist our wish to give an outline of its principles. There are still many points which we have been forced to leave unnoticed; above all, we had hoped to speak of the loss that English literature has sustained in the non-appearance of the promised course of lectures upon the fourteenth century. We can imagine how their writer would have seen in that stirring period the fitting introduction to the complex movements of our own day; how he would have watched at the cradle of the great controversies which now threaten us in the fullness of their stature. There would not have lacked food for his love of all that is striking and brilliant in external appearance. We can imagine the stately forms of knights and princes, and archbishops and priests, with which his rich imagination would have peopled the animated foreground of his canvass; the silken glitter and the terrible death of Edward II.—the massive intelligence of the English Justinian,—the chivalry that surrounded the lion-hearted prince, so untimely snatched away,—the daring genius and popular energy of Wicliffe. We can imagine the keen yet delicate hand with which he would have touched every element of the varied society just fermenting into life,—the skill with which he would have separated and exposed in their fit order the untamed ferocity of the serf-population,—the quenchless enthusiasm of the Lollards,—the intriguing turbulence of the mendicant orders; and we are sure that we should not have missed some of the contemporary heroes of that age, so fertile in great names, such as Pierre Marcel, Van Artevelde, the gifted and intellectual Rienzi. But we are compelled to turn away in sadness from the contemplation of our loss; and yet we linger on the holy ground of this illustrious Christian's memory. We will not trust ourselves to speak of their feelings who were admitted to the privilege of his familiar intercourse; but even we, who "*Virgilium vidimus*



tantum," who only caught the last echoes of that majestic voice,—as we turn over the pages of this volume, can recall the minutest circumstances connected with its public delivery. We remember the signal triumph achieved by genius and honesty over the prejudices of a most adverse audience, the inquisitive curiosity with which these lectures were expected, the burst of enthusiastic homage which greeted their close. We can recall the very form and bearing of the man, the lineaments of that memorable countenance, deeply furrowed by care and strife, and an abiding consciousness that rest was not made for man on earth, but lit up with an eye of fatherly graciousness and love.

We are conscious that we have executed the task attempted in the foregoing pages imperfectly; but we had already postponed too long an attempt to express what we believe to be the universal opinion of this remarkable book. We should cease to regret even the flaws in our own workmanship, if it sufficed to call any additional attention to this volume, much more if we could hope that we have inflamed any one to reverence and emulate the excellencies of its author.

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### ARTICLE III.

*Works printed for the Members of the Musical Antiquarian Society.* London: Chappell. 1841-1843.

THE establishment of a society for the purpose of printing the many rare and valuable musical compositions of our country, is one of the indications of a growing desire to preserve and perpetuate whatever is most venerable and beautiful in English art. This feeling, though it has sprung up somewhat tardily,—too late for the preservation of many evidences of the genius of past ages,—is honourably characteristic of the present time. The total want of regard or respect to works of art of a remote date is giving way to a just and discriminating appreciation of their value, and by the commendable

exertions of societies, corporations and individuals, the progress of destruction will now be, in part at least, arrested. During the last century, those architectural monuments which are the glory of our island were suffered to fall gradually into decay, or were deformed with the most unseemly excrescences. No regard to their integrity and beauty as works of art seems to have entered the minds of their occupants, whose only care was to make the most, both as to convenience and profit, of their temporary possession. Thus one of the beautiful towers of the east front of Ely minster was suffered to fall without an effort to save or to restore it, and successive prebendaries of Norwich cathedral were permitted to deform its spacious cloisters with unsightly modern erections, and to pile on its graceful arches red-brick walls and rows of sash-windows. The Gothic aisles of Llandaff cathedral, now a stately ruin, are yet intersected by a tawdry Grecian doorway. These various nuisances are in a course of progressive abatement; they are the reproach of the present age; to another generation they will, we hope, be unknown.

The same feeling which is accomplishing this reform is working out a similar good for music. We can form but a very imperfect notion of the quantity of valuable music that is already irrecoverably lost, but in each of the principal departments of the art this lamentable fact is sufficiently accounted for. The choir-books of our cathedrals have been suffered to fall into decay: of the anthems or services which Gibbons wrote for Canterbury, Weelkes for Chichester, Hine for Gloucester, Richardson for Winchester, and Inglist for Norwich, few remain, and these rather by the timely care of Boyce and Arnold, than in consequence of any effort of the cathedral dignitaries to preserve compositions of such value. Of our early dramatic works, Locke's music in 'Macbeth' is almost the only attainable specimen. Purcell, who may be said to have created the English lyric drama, and who imparted to it a character and power before unknown and since unsurpassed, printed only one of his numerous dramatic productions; while the chamber-music of the Elizabethan age, its madrigals and canzonets, as well as its compositions for the virginal, are now purchased at enormous prices by book-collectors, simply because they are rare, and with no view to their republi-



cation. The very form in which the madrigals were printed,—that of six separate books,—was unfavourable to their preservation in an entire state. Hundreds of imperfect sets or of single parts exist, but the loss of one is equivalent to the loss of all. Thus, in every department of the art, the work of destruction was gradually going on. We have no national depository for our national music, much of which is only now known historically, and every year the store is lessened. A desire to preserve in existence compositions of such intrinsic excellence, as well as national interest, led to the formation of the Musical Antiquarian Society: its existence was announced (in June 1840) by the following prospectus:—

“The object of the Musical Antiquarian Society is to print scarce and valuable musical works, which at present exist only in manuscript, in separate and detached parts, or which, having been long out of print, are unattainable by those who may wish to possess them. It is well known that Purcell’s ‘King Arthur,’ ‘Dido and Æneas,’ ‘The Libertine,’ ‘Timon of Athens,’ etc. and many of his Odes, are only to be found in manuscript; that few of the Madrigals, Anthems, Services, Part Songs, etc., of Wilbye, Gibbons, Bennett, Weelkes, Bateson, Ward, Tallis, Byrd, Morley, Dr. Bull, Dowland, Michael Este, Hilton, Robert Johnson, Farmer, Tomkins, Ravenscroft, Matthew Locke, and other eminent composers of the same period, have been reprinted; and the original editions are not only costly, but, being in separate parts, are rarely to be found complete. It is not, however, very creditable to the musical taste and liberality of this country and age, that these and other works of acknowledged eminence should thus, year by year, be approaching extinction; and it is hoped that this Society may accomplish the very desirable object of preserving them in existence, by the means of republication. The experiment has been tried, in reference to Historical Literature and early Poetry, with extraordinary success; and it is now proposed to adopt the plan of the Camden and Percy Societies with reference to Music. The principal regulations of these Societies are, that the subscriptions of the members shall be expended in printing such works as may be decided on by the Council, and that all other expenses be avoided as much as possible; the office of Editor, for instance, being in all cases undertaken gratuitously. It is scarcely necessary to add, that there is no intention of embarking in musical publications generally; the object of the Musical Antiquarian Society being merely to furnish its members with such works as (however intrinsically valuable) publishers have not thought it expedient to risk the expense of producing.”

The works which have been printed during the three years of the existence of the Society are:—

A Mass, in D minor,	} . . . .	by W. Byrd.
Cantiones Sacræ,		

First set of Madrigals . . . . .	by John Wilbye.
Set of Madrigals . . . . .	by Orlando Gibbons.
Ballets for 5 voices, . . . . .	by Thomas Morley.
First set of Madrigals, . . . . .	by Thomas Weelkes.
Fantasies (instrumental) of three parts, by Orlando Gibbons.	
Dido and Æneas,	} . . . . . by Henry Purcell.
Bonduca,	
King Arthur,	

These have been edited by Messrs. Turle, Horsley, Rimbault, Macfarren, Hopkins, Sir George Smart and Professor Taylor, some of whom have added historical or critical remarks to the works with which their names are connected. A more acceptable service to their art these English musicians could scarcely have rendered: a number of the classical compositions of our country are thus rescued from impending extinction, and their permanent existence is secured.

This labour, at any time well bestowed, is now singularly well-timed. The desirableness of extending musical instruction is admitted and acted upon: classes are formed for this purpose, under different systems of tuition, throughout the kingdom, and madrigals are peculiarly adapted to meet and satisfy the growing musical wants of the community. They were written for a musically educated people, and for a people so instructed they are still especially fitted: in fact no compositions of any subsequent age can so well supply the necessities of the present time. They repudiate all accompaniment, they need no instrument to help out or hide defects: assemble fifty or a hundred voices around a table, employ them upon a madrigal, and its perfect effect is realized. The refinements which the vocal art has in later years acquired were unknown when these compositions were written, and in their performance are not needed: still the art of rendering harmony a combination of melodies was thoroughly understood and expounded. The appearance of these sets of madrigals, is therefore welcome and opportune; since they are not merely the reprints of scarce works, to be placed and to remain untouched in collectors' libraries, but the means of musical instruction and enjoyment, and accordingly we find them circulating in cheap reprints, and sung by thousands.

These compositions, thus entering upon a new career of



popularity, had no practical existence prior to the formation of the Musical Antiquarian Society: the republication of a series of volumes from two to three centuries old was a speculation on which no publisher would venture. The only prior reprints were 'The Triumphs of Oriana,' and a set of Morley's Canzonets, about thirty years since. A few single madrigals have appeared in modern collections of Glees, but the entire class was popularly known and represented by Wilbye's 'Flora gave me fairest flowers,' and Gibbons's 'Silver Swan.' A century of existence and a succession of labourers had enabled the Madrigal Society to accumulate a large and valuable collection of scores, but these were the property of the privileged forty, and were seen and used only in their room. The first editions of the madrigals of Wilbye, Weelkes and Gibbons appeared in 1597, 1598 and 1612, and the second editions in 1841 and 1842.

It is to this class of compositions, and to the English composers, that our present notice will be exclusively directed\*: the other publications of the Society would lead us into a field of inquiry too wide to admit of adequate discussion in a single article. The claims of the church music of the Elizabethan age, as well as those of the English lyric drama of a subsequent period, must be deferred.

The history of the Madrigal, though forming but a single and, as it may appear at the first glance, an unimportant portion of the history of music, is in truth one of considerable interest. It first introduced music into society, gave it a new character and a new impulse: it disclosed the power of the art to add to the social and intellectual enjoyments of mankind, and to engage the attention of polished communities. The choicest composers of the age were madrigal writers, and to their sedulous cultivation of vocal harmony under this form we may attribute the progress and perfection of the Italian and English schools of Church music.

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\* The English Madrigal School has recently attracted some attention among the German critics, whose practical knowledge of our music has hitherto been scanty enough. The fifth Number of the '*Zeitschrift für Deutschlands Musik-Vereine und Dilettanten*,' contains a long and interesting article on this subject, written by R. L. Pearsall, Esq., an English gentleman residing in Germany. The same Number contains one of the Motets from Dr. Tye's '*Acts of the Apostles*,' and Dowland's '*Come again, sweet love*.'

The fate of these compositions forms an interesting chapter in the musical annals of our country. The art of vocal part-writing was very early cultivated in England, and some uncouth specimens of songs for three and four voices, by Fairfax, Redford and others still exist, prior to the adoption of the term Madrigal. This was doubtless imported from Italy, as well as the prominent features of the composition itself, which were imitated almost simultaneously by the musicians of England and Flanders; and the style of writing was so uniform in these three nations, that it would be impossible from internal evidence to class their madrigals and accurately to assign to each its true origin. In each of these countries the industry of its composers was apparent: of one of the Roman masters alone, not less than five hundred madrigals now exist; and Venice, Lombardy, Naples, Bologna and Florence contributed large additions to the general stock. These were imported into Flanders and England, and reprinted, sometimes with and sometimes without a translation. The reprints of Phalesius at Antwerp are now as frequent as the original editions by Gardano at Venice. In both countries the seed fell upon a genial soil; in England it sprang up luxuriantly. The provident care and discriminating patronage of Queen Elizabeth had insured for the Church a succession of well-trained musicians: her chapel was the nursery and the school of the great composers of the age, and as soon as the performance of madrigals became a prevalent amusement of the time, ample means of its gratification speedily followed.

The first collection of compositions in parts designed for social recreation appears to have been that of William Byrd; but these were sacred as well as secular; and the Italian word *Madrigale*, not having yet been adopted and anglicized, was not employed. The work was entitled 'Psalmes, Sonnets, and Songs of Sadness and Pietie (thirty-five in number), made into musick of five parts, 1588,' and was dedicated to Sir Christopher Hatton. In the 'Epistle to the Reader,' Byrd thus describes its contents:—

"Benign reader, here is offered unto thy courteous acceptation musicke of sundrie sorts, to content divers humours. If thou be disposed to pray, here are psalms, if to be merrie here are sonets, if to lament for thy sinnes,



here are songs of sadness and pietie.....Whatsoever pains I have taken herein, I shall think to be well employed if the same be well accepted, musicke thereby the better loved and the more exercised."

In this collection Byrd has set to music part of the poem printed in Percy's *Reliques*, 'My mind to me a kingdom is.'

In the same year appeared a collection of Italian madrigals translated into English, of which the editor was a Mr. Nicholas Yonge. That the practice of madrigal-singing was now becoming prevalent, appears from the following passage in the editor's dedication to Lord Talbot, the son of the Earl of Shrewsbury:—

"Since I first began to keep house in the city, it hath been no small comfort to me that a great number of gentlemen and merchants of good account have taken in good part such entertainment of pleasure as my poor ability was able to afford them, both by the exercise of music daily used in my house, and by furnishing them with books of that kind yearly sent me out of Italy and other places. The Italian songs are for sweetness of air very well liked of all, but are most in account with them that understand the language. As for the rest, they either do not sing them at all, or, at the least, with little delight. And albeit there be some English songs lately set forth by a great master of music [meaning, doubtless, Byrd's collection], which for skill and sweetness may content the most curious, yet, because they are not many in number, men delighted with variety have wished more of the same sort: for whose cause chiefly I endeavoured to get into my hands all such English songs as were praiseworthy, and, amongst others, I had the hap to find in the hands of some of my good friends, certain Italian madrigals, translated, most of them five years ago, by a gentleman for his private delight, who willingly gave me such as he had, and also some others lately done at the request of his particular friends."

This collection also contains a madrigal written to the well-known and often translated stanzas of Ariosto, 'La verginella è simil alla rosa.'

The popularity of this work soon induced the publication of another on a similar plan, intitled, 'Italian Madrigales Englished, not to the sense of the ditty, but after the affection of the note. Imprinted at London by Thomas Este, 1590.' The editor of this collection was a Mr. Thomas Watson. At a later period, Mr. Yonge published a 'Second Book of Madrigalles to five and six voices, translated out of sundry Italian authors.'

Meanwhile Byrd had received sufficient encouragement, by

the sale of his first collection, to publish another, under the title of 'Songs of sundrie natures, some of gravitie and others of mirth, fit for all companies and voyces, lately made and composed into musick of three, four, five and six parts, 1589.' From the author's dedication of this set to Lord Hunsdon, we learn the growing love of madrigal-singing, and the patronage which the English musicians of that time received from their queen.

"Having observed, Right Honourable, that since the publishing of my last labours in musicke, divers persons of honour and worship have more esteemed and delighted in the exercise of the art than before, it hath greatly encouraged me to take further paines to gratifie their courteous dispositions thereunto. And to no person the dedication thereof so fitly and properly belongeth as unto your Lordship, by whom through the honourable office which you exercise about Her Majestie's person, both myself and all other Hir Majestie's musitions are to be commended and protected. And for many favours to me showed, I am most deeply bound unto your Honour."

In his address to the reader Byrd also states, that since his "last impression of musicke, the exercise and love of that art hath exceedingly encreased,"—a fact which was soon to receive confirmation from the rapid appearance of madrigals and other compositions of a similar kind produced by the English musicians of the time. Among the most eminent and industrious of these was Thomas Morley, the well-known author of the first elementary work on music published in England in the vernacular tongue. His first contribution to the vocal part-music of the time was entitled 'Canzonets, or little short songs to three voices, newly published by Thomas Morley, Bachelir of Musicke, etc., 1593.' This collection was dedicated to the Countess of Pembroke, the sister to Sir Philip Sydney, of whom the composer says, that if her ladyship "shall but vouchsafe them "her heavenly voice, it cannot be but that they will return "so perfumed that the *air* will even be made delightful there "by." These canzonets, which are masterly specimens of three-part vocal writing, are among the very few compositions of the age which, until the establishment of the Musical Antiquarian Society, have been reprinted in modern times. We owe their scoring and republication, about thirty years since, to two members of the university of Oxford, Mr. Hol-



land and Mr. Cooke. This set was followed by Morley's book of 'Madrigals to four voices,' published in 1594, of which a second edition was printed in 1600, and a third in score, with his Canzonets. In the succeeding year Morley published his 'Balletts to five voices,' dedicated to Sir Robert Cecil.

It will appear that already these compositions, which are so often ignorantly designated by the general appellation of Madrigals, had several distinctive titles and characters. Their individual and appropriate features are thus described by Morley:—

"The best kind of the light music which of late hath been so deeply dived into is termed *Madrigal*, a word for the etymology of which I can give no reason, yet use sheweth that it is a kind of music made upon songs and sonnets such as Petrarca and many poets of our time have excelled in. As for the music, it is, next unto the Motet, the most artificial, and to men of understanding the most delightful. If, therefore, you will compose in this kind, you must possess yourself with an amorous humour (for in no composition shall you prove admirable except you put on and possess yourself wholly with that vein in which you compose), so that you must be wavering like the wind, sometimes wanton, sometimes drooping, sometimes grave and steady, otherwhile effeminate."

He then recommends to the student "for guides" the madrigals of some of his great Italian contemporaries,—"*Ferrabosco* for deep skill, *Luca Marenzio* for good air and fine invention, *Orazio Vecchi*, *Venturi*, *Giovanelli* and *Croce*, with "divers others who are very good." To canzonets he assigns "the second degree of gravity in this light music," styling "them a counterfeit of the madrigal." Of the '*Canzone Napolitana*' Morley's account is less correct: so far from "differing from the canzonets in nothing but the name," they have an essentially distinct and national character, and the originals must be sought, not as he says in the compositions of *Luca Marenzio* (a Roman) and *Giovanni Feretti* (a Venetian), but in those of the Neapolitan school of that period.

"The last degree of gravity," continues Morley, "if indeed they have any at all, is given to the '*Villanelle*,' or country songs, which are made only for the ditty's sake; for so they be apt to express the nature of the ditty, the composer (be he never so excellent) will not stick to take many perfect chords of one kind together; for in this kind they think it no fault to make a clownish music to a clownish matter. .... There is also another kind, more light than this, which the Italians term *Balletti*, or dances. These are songs which, being sung to a ditty, may also be danced."

In three of these forms the vocal part-music of Italy was successfully imitated in three following years by Morley; and with equal skill he afterwards essayed the composition of more elaborately constructed madrigals. He was not allowed however to occupy alone the ground which he had chosen. The secular vocal part-music which Byrd and Morley had published, at once stimulated and fed the musical appetite of the nation, and in the three following years four sets of madrigals appeared, and among them some which equalled any foreign compositions of their class. The first set of Thomas Weelkes (afterwards organist of Winchester college and then of Chichester cathedral) was published in 1597; and in the same year 'The First Book of Songs of four parts, by John Dowland.' The musical skill of Dowland is celebrated in the sonnet ascribed to Shakspeare, beginning—

"If music and sweet poetry agree,  
As needs they must, the sister and the brother,  
Then must the love be great 'twixt thee and me,  
Because thou lov'st the one and I the other."

In 1598 appeared the first set of 'Madrigals to three, four, five and six voices, newly composed by John Wilbye,' dedicated to Sir Charles Cavendish, and in 1599 the only set of 'Madrigals to four voices by John Bennet.' Such a display of musical genius and erudition, directed to the same purpose within the same time, the annals of the art in this or any other nation have never recorded. Amongst a musical group so large and so gifted as Italy, Flanders and England then presented, it would perhaps be difficult to assign to any individual absolute and undoubted supremacy, but if that station can be claimed for any one, John Wilbye is the man. Regard being had to the then limited range of the composer's labours, to the means by which every effort of his mind was to be wrought out, to the absence of that colouring which instrumental accompaniment gives, and to the want of those vocal graces which a subsequent age was to develope,—considering also the prescribed range in which the harmonist was accustomed and trained to walk, and that those combinations upon which Purcell adventured in a succeeding age, were then either unknown or denounced as heresies,—the variety of character and colouring which adorns the madrigals of this great writer is



surprising. Who or what Wilbye was, is unknown : that he lived in Austin Friars, and that he published two sets of madrigals, is all that the biographer can relate of him. Dowland's madrigals have less art in their texture, and as a contrapuntist he must rank below many of his contemporaries ; but his 'Come again, sweet love,' will alone refute Dr. Burney's inconsiderate depreciation of his talents. Of Bennet little more is known than of Wilbye : as a composer he appears, if not in the first class, yet among the first in the second : his 'O sleep, fond fancy,' and 'Flow, O my tears,' breathe the very spirit of melancholy.

A few years afterwards appeared the first sets of Michael Este, Thomas Bateson and Richard Alison. Of these very few have struggled into print since the time of their birth. Este is only known to dabblers in music by his 'How merrily we live,' which has served to enrich almost every subsequent collection of vocal harmony, whose various compilers from previous compilations have never thought it worth while, even if they had the power, to see whether its author might not have produced another composition of equal merit. Bateson was the organist of Chester cathedral, and afterwards of Christchurch, Dublin : his reputation rests upon his first set of madrigals (for of the second set only a single copy is known to exist), but these suffice to establish it : his charming madrigal 'Sister awake, close not your eyes,' would alone fix his station as a composer.

These works carry us as far as the year 1606, and three years later the first collection of Catches appeared under the title of 'Pammelia,—Musick's Miscellanie, or mixed varietie of pleasant Roundelays and delightful Catches,' etc. ; but this class of vocal compositions forming no part of the publications of the Musical Antiquarian Society, we content ourselves with this brief mention of it.

From the year 1600 to 1607 we find, in addition to second sets of madrigals by composers already mentioned, the first and only collections of John Farmer and Thomas Ford. The latter, if any perfect copy exist, is very rare ; nevertheless some of its contents, and such as make us wish for more, are well known,—'Since first I saw your face,' and 'There is a lady sweet and kind,'—both of which, among many other mu-

sical gems, were supplied to the Ancient Concerts by Mr. Bartleman.

The years 1612 and 1613 were signalized by the appearance of two sets of madrigals, which may rank with the highest of their class. The first by Orlando Gibbons, then organist of the Chapel Royal, and afterwards of Canterbury cathedral. Gibbons was one of the latest, as he was also one of the greatest, of the noble body of musicians to which he belonged. He was born about the time that Byrd began to draw the attention of his countrymen to secular vocal harmony, and he died in 1628 at the age of forty-five. Grandeur is the essential attribute of Gibbons's writings: harmony in its most massy and majestic forms is the instrument that he wields; but his compositions are not less distinguished for the skilful texture of their parts than for grandeur of outline; they invite and reward the close examination of the artist, while they impress and delight the unlearned hearer. Few purely vocal writers have combined these qualities in an equal degree. There are thousands of compositions learnedly written, where everything is according to line and rule, where the web of harmony is skilfully woven, and all bears the mark of a practised workman, which yet fail to touch the heart, to awaken the attention and lay hold of the sympathy of the multitude. To Gibbons this power was abundantly imparted,—witness his glorious anthem, ‘Hosanna to the Son of David.’

Gibbons's only set of madrigals was published in 1612, dedicated to the author's “right worthy and much honoured friend Sir Christopher Hatton.” This was the nephew of the celebrated Sir Christopher Hatton, who seems to have been one of the many patrons of the art to whom the English musician could then look for support. “These,” says Gibbons in his dedication, “were most of them composed in your own house: the language they speak you provided them; I only furnished them with tongues to utter the same. They were taught to sing in order to delight you, and if you take pleasure in them, they have their end.”

Gibbons's secular music partakes, as might be expected, of the character which is stamped upon his compositions for the church. Wilbye, Bennet, Morley and Weelkes essayed every style and succeeded in all, passing “from grave to gay, from



lively to severe," with equal readiness and success. Gibbons's vein was grave, and his madrigals, in subject as well as structure, are in accordance with it. We may take one of the madrigals in this set to have expressed his feelings as to the proper aim and object of the poet and the musician:—

" O that the learned poets of this time,  
Who in a love-sick line so well can speak,  
Would not consume good wit in hateful rhyme,  
But with deep care some better subject seek;  
For if their music please in earthly things,  
How would it sound if strung with heavenly strings."

One, and one only of the contents of this set, 'The Silver Swan' has been copied by successive compilers into numberless collections, but all are worthy of the author of that masterly composition: perhaps the madrigal we have quoted above, and 'Dainty fine bird' may be ranked among the choicest of the work.

The Madrigal, like the fabled swan, seems to have sung most sweetly when death approached; for Ward's collection appeared in 1613, terminating that rich outpouring of secular vocal harmony which the preceding twenty years had witnessed. In his dedication to Sir Henry Fanshawe, Ward alludes to the decline of musical taste which was now becoming too apparent, and we may presume that he never found sufficient encouragement to prosecute his design of publishing another set:—

" Since no science carries so sufficient authority in itself, but must needs submit to that monster *opinion*, half truth, half falsehood, yet these compositions of mine, being fronted with your countenance, even should these prove distasteful with the queasie-palated, yet with the sound, unsubject to such disease of humour or appetite, I presume they will pleasingly relish, and maintain me against the corrupted number of time-sick humourists. These, honoured Sir, are the *primitiæ* of my muse, planted in your pleasure and cherished by the gentle calm of your favours. What I may produce hereafter is wholly yours."

Ward was more nice in the selection of his words than most of his contemporaries,—Sir Philip Sidney's 'Arcadia' and Drayton's Eclogues having suggested most of the musical ideas of this set; and these may rank among the first of their kind. The composer of 'Die not, fond man', 'Upon a bank

of roses' and 'Phyllis the bright' may claim a place among the best part-writers of the age. With Ward the last of those lights which had irradiated the musical hemisphere of England during a large portion of the Tudor dynasty expired.

One work remains to be noticed, as a part of the musical history of the age. Towards the close of Elizabeth's reign, the earl of Nottingham, lord high admiral, offered a premium for the best madrigal composed in honour of the queen. No less than twenty-two candidates appeared, and their compositions,—the majority of which were written for six voices,—were published under the title of the 'Triumphs of Oriana.' The title and plan of the work were doubtless suggested by a similar Italian one, 'Il Trionfo di Dori': it was published in 1602, Morley being the editor, and the only unprofessional contributor being the father of Milton. The theme of every madrigal in the collection is similar, and the burden of each the same,—

"Then sang the shepherds and nymphs of Diana,  
Long live fair Oriana!"

The contents of this work necessarily vary in excellence,—Wilbye, Weelkes, Morley and Bennet preserving their usual station. If the queen merited such a tribute of loyalty and gratitude from the musicians of her age, she received in turn an enviable requital: her praises are wrought into lasting monuments of art, and in the reign of Victoria it is of Elizabeth that we yet continue to sing. In truth there is no other English sovereign whose name is associated with music of any intrinsic or enduring excellence. Elizabeth died in 1603, and from this period we trace the rapid decline of musical taste and the decay of musical talent in England. But let us linger a little longer on a period so full of welcome reminiscences.

That madrigal-singing was a favourite amusement of the time, is a fact resting upon historic testimony and confirmed by the large supply of materials adapted to gratify it. Without going beyond such as have come within our own reach, some idea may be formed of its extent from the subjoined necessarily imperfect list. Of the works of the following composers, there are now extant the number affixed to each name respectively:—



Byrd . . . . .	114	O. Gibbons . . . . .	20
Morley . . . . .	93	Ward . . . . .	28
Weelkes . . . . .	93	Hilton . . . . .	26
Dowland . . . . .	64	Vauton . . . . .	22
Wilbye . . . . .	64	Youll . . . . .	24
Bennet . . . . .	17	Kirby . . . . .	25
Este . . . . .	46	Farmer . . . . .	17
Bateson . . . . .	59	Mundy . . . . .	30
Alison . . . . .	20	Tomkins . . . . .	28
Ravenscroft . . . . .	20		

Of the works of which Morley was the editor. 69

Madrigals in the Musica Transalpina . . 81

“ Watson’s Collection . . 28

To this list might be added several sets by composers of inferior eminence, still in existence ; but excluding these, we yet possess at least a thousand English madrigals by composers of name and note. If to these are added the madrigals imported from the various Italian states and from Flanders, it is probable that ten times this number were then amassed and in daily use in England during the twenty-five years of which we have spoken. This consideration sufficiently evinces the state of musical knowledge and its general cultivation, and all the evidence that we possess points to the same conclusion. Without quoting the well-known passage from Morley, we find this fact stated in the words of Galliard, whose testimony was derived in part from history and in part from tradition :—

“ Madrigals were much in use in the reign of Queen Elizabeth, in which compositions the English of that time have left proof of their ability even to vie with the best Italian composers. Nobody could then pretend to a liberal education, who had not made such a progress in musick as to be able to sing his part at sight ; and it was usual when ladies and gentlemen met, for madrigal books to be laid before them, and every one to sing their part. I believe every one is sensible of the difficulty there would be at present [1720] of finding among the lovers of musick a sufficient number qualified for such a performance. But since the glorious reign of Queen Elizabeth, musick (for which, as well as her sister arts, England was then renowned all the world over) has been so much neglected, as much by the little encouragement it has received from the great as by reason of the civil wars, that at length this art was entirely lost.”

This, be it remembered, is the testimony of a foreigner,

resident for many years in England, and therefore not prompted or coloured by national prejudice. But of the station which the English musicians then occupied, there is in truth no more question than of the fact recorded by Galliard, of which therefore it is needless, though it would be easy, to multiply the proofs.

The decline of madrigal writing and madrigal singing followed soon after the accession of James I. English musicians found no favour or patronage from any of the Stuarts; and the just and liberal support which they had received from the last of the Tudors was exchanged for cold neglect from the first of the succeeding dynasty, followed by an absolute proscription from his successors. Within a few years after the accession of James, all the madrigal writers who in 1602 had sung the praises of Elizabeth were silent. In the reign of Charles I. those collections of songs began to appear which satisfied the musical desire of the time, and to which Henry Lawes was the principal contributor. In the prefatory address to his '*Ayres and Dialogues for One, Two, and Three Voices*,' he thus censures that exclusive admiration of foreign compositions of which the Court had set the example:—

"In our generation whatever is native (be it ever so excellent) must lose its taste, because men have lost theirs. For my own part, I desire to render to every man his due, be he stranger or native. I acknowledge the Italians the greatest masters of music, but yet not all; and, without depressing the honour of other countries, I may say our nation hath had as able musicians as any in Europe. But, as in music the unison and diapason are the sweetest of all chords, yet a second and a seventh, which stand next to them, are more discordant from them than any other notes in the scale,—so, as to musicians, a man's next neighbour is the farthest from him, and none give so harsh a report of the English as the English themselves."

The vocal part-writing of this and similar collections consisted of simple melodies, as simply harmonized in three parts. There was no attempt at the artful texture of the madrigal, no points of imitation, none of the evidences of skilful harmonic combination which marked the compositions of a preceding age. Musical education had declined, and Lawes and his contemporaries, if they wrote at all, were compelled to conform to the capabilities and wants of the times. The musical



flame was flickering in the socket, and it scarcely needed the rough blast of civil war to extinguish it. During the Protectorate the musical darkness of England was complete and universal: the organs of our cathedrals were pulled down, the theatres were closed, the social enjoyment of music was accounted a sin, and there is no doubt that hundreds of sets of madrigals were destroyed as useless or sinful possessions. On the accession of Charles II., music was again cultivated as a social recreation, but in its lowest and most degraded form. The profligate habits of the court engendered a like profligacy in the people, and then appeared successive collections of catches, of which the most pure and moral are those in praise of drinking. Collections of songs were also published by Playford, whose musical catalogue contained only the madrigals of Wilbye and Gibbons. The songs were furnished by different composers of the time (Purcell being a frequent contributor), and were published in volumes severally entitled 'The Treasury of Music,' 'The Theatre of Music,' 'Deliciæ Musicæ,' 'Comes Amoris'; but the attempts at vocal part-writing were few and feeble.

Purcell's compositions, large as they were in number and gigantic in power, never embraced an attempt at madrigal writing; and it was not till the time of Dr. Greene that, in his set of 'Canons and Songs for two and three voices,' an effort was made (to use his own words) "towards reviving a style of composition now undeservedly grown obsolete." The result of his attempt was the formation of a new species of composition, which assumed the name of *Glee*, and on which the most eminent English composers during the last century have successively employed their talents, and proved their consummate skill in the construction of simple vocal harmony.

The Italian musicians encountered none of those discouragements which beset the path and palsied the exertions of their English brethren; their course was free and unencumbered, and their talents always received merited encouragement. The production of Italian madrigals continued for at least two centuries, although the style and structure of compositions under this name varied with the changing taste of the times. Among the most eminent of the second race of Italian madrigal writers were Stradella, Lotti, Buononcini,

Marcello, Steffani and Clari. Their compositions of this class have obtained a very limited circulation in England in their original form; Stradella's beautiful 'Clori, son fido amante,' though among the best known, has never been reprinted here. Many of them however are familiar to English ears, having been transplanted, sometimes unaltered and sometimes with an augmentation of parts, by Handel into his various works; and many choruses which are often quoted as evidences of his genius, must be referred for their origin to the madrigals or other compositions of the Italian masters. The Italian madrigals of the second period, unlike those of the sixteenth century, were accompanied by the harpsichord or violoncello, and were often written for two voices only. The sole compositions of this kind by Handel (independent of his 'Duetti di Camera') are his two trios, 'Se tu non lasciamo,' of which the pervading theme in the first movement will be found in his thirteenth Chamber Duet, and 'Quel fior che all' alba ride,' which he afterwards used, with the addition of another subject, in his chorus 'Let old Timotheus yield the prize.'

In the Academy of Ancient Music the Italian madrigals of the later writers were frequently performed, while those of the English school were neglected, probably because the former were attainable in score, while the latter were not. In the 'Account of the Academy of Antient Music' (a small publication of Sir John Hawkins) the Italian composers already alluded to, together with Carissimi, Colonna, Bassani, Gasparini and Pergolesi, are mentioned as the chief contributors to its library and concerts. "The Abate Steffani," according to Sir John Hawkins, "transmitted to them from "Hanover the most valuable of his works, as from time to time they were composed." The only English composers mentioned in this publication are Tallis, Byrd and Purcell. The large and valuable collection of music which belonged to the Academy was dispersed when its concerts ceased, and a like fate has attended the libraries of Dr. Bever, the Rev. W. Parker and Mr. Bartleman. England does not now contain anything approaching to a good musical library.

Meanwhile the English madrigals were forgotten: copies



had every year become more rare, and a generation had arisen to whom the original sets were little known. The revived attention to these compositions forms an interesting incident in the history of music, connected as it is with the oldest existing musical society in London. This was formed by Mr. John Immyns, an attorney, who having succeeded but ill in the law, became copyist to the Academy and amanuensis to Dr. Pepusch. His love of music seems to have been restricted to the madrigal, of which he was so enamoured that he founded a society for the performance of this class of vocal compositions. The Madrigal Society assembled for the first time in the year 1741, at the Twelve Bells in Bride-Lane. At the time that Immyns formed this society, he had to encounter difficulties of no ordinary kind. Madrigals had indeed no practical existence; they were in a form and notation that belonged to a past generation, and were no longer capable of being used even by the most practised singers; existing only in single and detached parts, printed in obsolete clefs, and without bars,—a sort of musical hieroglyphics which demanded patience and skill to unravel, and to form into a connected and comprehensible arrangement. Until this process was perfected, the labours of the society could not even commence: it probably at first devolved upon the president, aided by what volunteer assistance he could procure; but it was soon found necessary to make “scoring” an imperative duty, and it was ordered “that every member whose turn it is to serve president of this society, shall be obliged, every time his turn comes, to present to the society a score and parts of a madrigal ready for the members to perform.” This regulation ensured the possession of a fresh madrigal in an available form at every meeting, and gradually accumulated the large and unrivalled collection of scored madrigals which its library now contains. The Flemings have taken no such pains with their compositions of the same kind and date, which exist but imperfectly in their libraries in their original form, and are regarded only as curious relics. We found easy access at Ghent to some of the sets of Orlando di Lasso, Willaert, and other eminent composers, and great wonder was expressed at seeing them

gradually assume the structure and appearance of a modern and readable score. Permission was asked, and readily granted, for some of the pupils in the Conservatory of that city to witness and learn the process.

The early members of the Madrigal Society, according to Hawkins, were Spitalfields weavers and other psalm-singing mechanics, to whom Immyns was at first both president and instructor, sometimes reading to them a chapter from Zarlino's '*Prattica di Musica*,' translated by himself. "They were men," he adds, "not less distinguished by their love of vocal harmony than by the harmless simplicity of their tempers and by their friendly disposition towards each other." A society then limited to twenty-one members, meeting in a small tavern in Bride-lane, humble in situation and unknown even in the musical world, was not likely to attract much public notice, and few of the great ones among the profession cared about or joined them. Of the value of their labours and the compositions on which they were employed, themselves alone were cognizant. The first names of any note that occur between the years 1741 and 1751 are those of Dr. Worgan and Mr. (afterwards Sir John) Hawkins; and here doubtless the latter acquired much, if not the greater part, of that knowledge of the English madrigal-writers of which his fellow-labourer Burney was almost destitute. In 1769 the Society removed to the Feathers Tavern, Cheapside; in 1775 to the King's Arms, Cornhill; and in 1778 to the Half Moon, Cheapside. During this time they were joined by Battishill, Dr. Arne, Michael Arne, Atterbury, Dr. Aylward, Dr. Cooke and Dr. Bever, a well-known musical collector.

In 1793 Bartleman joined the Society, and infused into it—as he did into every musical association or enterprize with which he was connected—new vigour and energy. He was one of the best-informed madrigalians of his time, and his own library comprized the largest collection of original sets in the kingdom. Many hours of his valuable time were devoted to the service of the Society, and to many of its scores appears the note "presented by Mr. Bartleman." He was soon followed by Stevens, Spofforth, Horsley, Robert Cooke, Vaughan, W. Beale, Dr. Callcott and W. Linley. In 1821 the Society



removed to the Freemasons' Tavern, where they still hold their monthly meetings. In some respects they are changed; they have gradually become aristocratical; their late accomplished president was a baronet, their present one is a peer. But some of the old republican leaven remains: there is no scale of precedence except such as the gamut confers, and a noble tenor must be content to sit below an alto commoner. Members come from various quarters,—from the houses of Lords and Commons, from St. James's, from the courts of law and the court of Common Council; from the Treasury, the Bank and the Stock Exchange, from Gresham College and Covent Garden theatre, from Westminster Abbey and St. Paul's Cathedral. The old rule is still in force,—“that, in order that “the Society may consist of useful performing members, every “person proposed as a candidate shall be vouched for by two “or more members to be a person capable of singing his part “in concert, in time and tune;” and its permanence may be attributed to an adherence to this regulation. The external influences which have dissolved so many other musical associations, public and private, during the term of its existence, are unknown here; it is a brotherhood over which fashion has no power and change of taste no influence\*.

But beyond the immediate circle of its members, the Madrigal Society exercised no immediate influence even upon that branch of the art which it exclusively cultivated. Publicity was not its aim, still less publication. It preserved in existence many choice works, and it perpetuated their traditional style of performance; it was a school in which the vocal harmony of the sixteenth century was taught, but it was a school admitting a very limited number of pupils. Hence the absurdities which so-called musical critics have usually uttered when venturing upon madrigal ground; hence their confusion of names, titles, epithets, dates, and countries. The influence of the Madrigal Society was indirect: it was felt in

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\* In the article, to which we have already referred, in the ‘*Zeitschrift für Deutschlands Musik-Vereine*,’ it is stated, on the authority of a member who was present, that Pitt and Fox once chanced to meet at the Madrigal Society; and as it is there presumed that every person present, visitor as well as member, is able to sing, a book was placed before them, out of which they were *supposed* to sing during the evening.

such compositions as 'O voi che sospirate' and 'Solo e pensoso,'—in the appearance of madrigals at the Ancient Concerts (there sung as glees),—in the publication of a choice volume "collected from the books of the Madrigal Society" by the Rev. Richard Webbe, and 'The Triumphs of Oriana' by Mr. Hawes. But these compositions were never disclosed to public notice in their intended mode of performance till the establishment of the Vocal Concerts in 1833, when a union of all the best English singers combined in their execution the richness of choral harmony with the precision and polish of glee-singing. Of these concerts they formed one of the most attractive features, and, though brought into constant and immediate contrast with the best compositions of the modern schools of Germany and Italy, the madrigals of the evening never passed without an encore. This fact, which was duly chronicled in the newspapers of the day, drew the public attention to the existence of the compositions of the early English masters. The value of the original sets rose in the market, and many pounds were sometimes given for an imperfect and therefore, musically, useless set. The British Museum contains many such,—few that are complete. Those madrigals, which had attracted especial notice by their performance at the Vocal Concerts were published in separate parts, and some addition was made to the number of printed scores. Meanwhile societies for madrigal practice were formed in different parts of the kingdom, those of Bristol and Manchester ranking first in number and in skilful execution.

The last chapter in the history of the Madrigal was the establishment of the Society whose publications are mentioned in this article,—an event of incalculable advantage to English classical music. The works of our eminent composers are now multiplied, disseminated, and therefore perpetuated: at the same time their usefulness is extended; the scores of Wilbye, Morley, Gibbons and Weelkes, which have thus found their way into the world, are not merely placed on book-shelves, but on the tables of singing classes, who find in them the best practice and high musical enjoyment. The list of subscribers to this Society confirms a sufficiently notorious fact, that the aristocracy of this country do nothing for the advancement of classical music in



any form. No effort of this kind, in whatsoever direction it may be made, ever receives from the English nobility the slightest notice or encouragement. They see our church music perish, without a solitary exertion to save it,—nay, in their capacity as legislators, they aid in its approaching demolition. The subscription lists of the Philharmonic and the Musical Antiquarian Societies tell precisely the same tale; not many great, not many mighty, are found in either. The real patrons of the art are the people and the members of the profession,—those especially who have volunteered their time and talents, that is, who have devoted a portion of their income, to carry into effect the purposes and objects of this Society.

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ARTICLE IV.

1. *The Progress of the Nation in its various Social and Economical relations, etc.* By G. R. PORTER, Esq., F.R.S. Section V. to VIII. London, 1843.
2. *Statistische Uebersicht der wichtigsten Gegenstände des Verkehrs und Verbrauchs im Preussischen Staate von 1837–1839: dargestellt von Dr. C. F. W. DIETERICI.* Berlin, 1842.
3. *Statistique Commerciale de la France.* Paris, 1842.
4. *Statistique Commerciale du royaume de Belgique.* Bruxelles, 1842.
5. *Allgemeine vergleichende Handels- und Gewerbs-Geographie und Statistik.* Von FREIHERRN VON REDEN. Erste Abtheilung. Berlin, 1843.
6. *Handels-Statistik des Oesterreichischen Kaiserreichs.* Von S. BECHER. Vienna, 1841.

THE different position which the political economist at the present day occupies from that of his predecessors only a few years ago, must be evident to all who are conversant with the statistical literature of Europe. The most enlightened

governments have spared neither exertion nor expense in collecting facts which throw light upon the internal condition and foreign relations of their respective countries. Thus the economical branch of the political sciences has shared the progress that may be observed in all, and has in fact assumed an importance that was scarcely anticipated. A kind of timidity is observable in the propositions even of recent political economists which is now out of place. These writers saw the amazing extent of the productive powers which nature has placed at the disposal of man, but wanted the experience necessary to assure them that such powers would not be abused if left to their full and natural play. The rapidity with which social improvements progress when unimpeded by legislative interference, has constantly borne the blame which should have fallen upon faulty means applied to effect or to secure a supposed gain. It was deemed necessary to advance slowly on a path which had not yet been trodden. The means were not yet revealed of tracing the wonderful elasticity with which the ingenuity of man adapts itself to the encouragements or the checks which it receives. Carelessness or ignorance on the part of governors and legislators was then of course venial; it has ceased to be so now, when there is no more excuse for overlooking or neglecting the principles of economics than for disregarding the experience of lawyers and physicians.

It was long a main question among political economists whether they ought to confine their inquiries to the means of acquiring riches, or whether they should select and recommend such objects of pursuit and such branches of industry as would contribute to make a nation happy rather than rich. This litigated point has disappeared in the recognition of the broad fact that, as far as nations are concerned, riches confer happiness.

The absence of a clear insight into the merciful manner in which nature veils her bounties, and requires that man shall win them from her willing hand as he attains the knowledge of his wants, led to another long and fatal error. Many inquiries, both within the sphere of the physical and of the moral sciences, were supposed to display a spirit of rebellion to the will of the Creator. It has on many occasions been learnedly and sophistically argued, that the creature who is



sent naked and hungry into a world abounding to profusion with the means of making him happy, commits sin by using his powers to gain food and raiment. A portion of suffering was declared to be the lot of man, and all endeavours to diminish its extent by man's own exertions were pronounced to be unlawful. Thus the very object which the Creator had in view, when conferring these powers upon man, was obscured and distorted to the vision of his creatures by some who pretended to be alone able to see. To this perversion of the natural view which men in all uncultivated lands take of their calling and its duties, has been added, in what are called civilized countries, modes of systematically repressing exertion and encouraging sloth, which have done more to demoralize large communities than all that was ever effected by penury, or violent passions unreasonably excited.

The notion that a wish for change in established rules and forms of government, or even in processes of industry, was infallible proof of a tendency to revolution and destruction, may also be considered to be exploded. It was indeed a strange notion in a world in which change and progress form so fundamental a principle, that identical reproduction is physically no less than philosophically impossible. Not imitation, therefore, but fresh creation and constant improvement must be our leading industrial as well as ethical law, unless we would base our exertions upon a manifest absurdity.

Among the most valuable results which we extract from the statistical publications of the last few years, we hail as prominent the fact, that as the increase of riches tends to promote morality, so morality is the most powerful means of the production of wealth. It will not be disputed, that the precept of doing as we would be done by involves the least practicable repression of the powers of exertion in man. Any exercise of repressive power which clearly limits the production of things necessary to the comfort or to the extension of the powers of man is immoral, and we trust will soon be declared illegal. The test of every principle recognized as moral in ethics, must be its tendency to free or to stimulate the powers of mind and body, to which an unlimited field of action is open.

The various series of official tables from which we have

extracted a selection of illustrations amply sufficient to justify the principles that we laid down in a preceding Number, are therefore a boon to our age of the most valuable description. We are no longer in danger of the misuse of figures; for if imperfect or incorrect statements are assumed as a basis for general conclusions, the multiplicity of facts now constantly appearing on every side afford sufficient means of detecting the error or of neutralizing anything dangerous in its tendency. At the same time, the great importance of placing these publications under the direction of men of inflexible character and sound judgement must be evident; and no better exercise of liberality could be suggested than that which insures their independence both of ministers and of mobs. The responsibility of the collectors and publishers of statistical returns augments with the increasing knowledge of those who use them. In proportion as the theorist abandons the *à-priori* mode of reasoning for the experimental and synthetical process, he grows more dependent on his materials. These materials must therefore be above suspicion, if science is to lean upon them or if they are to confer good upon mankind.

We may cursorily remark, that the leading countries of Europe have been fortunate in the choice of the men to whom this charge has hitherto been intrusted. Nor will it appear a cynical observation if we ascribe this circumstance to the difficulty with which public attention has been awakened to the importance of statistical statements, when it is considered how frequently zealous advocates of particular views regard the means used to forward them as justified by the ends which they are calculated to further. We believe too that we have another safeguard in the trading reports that have been published, which is, that they have never yet been used to illustrate some of the general propositions that we have advanced, and cannot consequently have been modified with any regard to them. The main security of reasoners lies however in the fact, that a falsification in the figures of a statistical return is one of the most difficult things to effect. When the materials are abundant, one table is so dependent on the other, that whatever does not corroborate another statement disproves it. As in such cases it is the duty of the student to



suppose that the evident error may lie in either of the conflicting series of figures, he has no choice but to reject both, which would foil the end for which the falsification was attempted.

The countries whose returns are at present sufficiently extensive and free from contradictions to be used without reserve as a basis for general reasoning, are not numerous. England, France, Belgium, and the states of the German Customs' league present the most valuable. We reluctantly observe, that in the recent official Russian publications so great a change is reported in the commercial communications with Asia, as to warrant our suspending all judgement respecting its correctness until information can be obtained from accessory sources. The efforts made by the Russian government to obtain statistical returns from every part of that immense empire are deserving of all praise, and great allowance must be made for the difficulties opposed by distance and by the great number of persons necessarily employed. At the same time, the government must be aware that the overcoming of these difficulties is of vital importance for its security. The adoption of these returns in the literary world of Europe as valid and satisfactory, is the sure means of promoting that feeling of satisfaction within the country on which its internal peace and prosperity depend. The returns recently published by the Austrian government must be regarded as a valuable contribution to political science.

We do not find, nor do we expect that our readers will discover, anything in the returns hitherto published that will justify the bugbears of "over-production" and "over-trading," as applied to the condition of the commercial world generally. The greater mass of mankind is wretchedly provided with articles both of food and bodily comfort, whilst a vast majority are utterly destitute of the means of developing the mental faculties with which they are endowed. It remains for commerce to celebrate a more glorious triumph than any that has been achieved by the most vaunted conqueror. If arms procured security of life and property, it is the task of commerce to show the value of the boon thus gained. This can only be done by abolishing those artificial restrictions which in our age alone occasion the difference so apparent

between the condition of the people in the various countries of Europe.

We shall accompany our illustrations of the consumption of certain articles of leading necessity with practical remarks suggesting the means of reconciling some apparently conflicting interests; if any thinking man, after the convincing arguments which these tables afford, still deem it possible to look upon *any* as *conflicting*. The tale of humanity cannot be more plainly told than it is in the reports quoted at the head of our article. We have too much confidence in the good-feeling and enlightened spirit of our age to fear that it will be told in vain. If some invested with power and lulled into indolence by wealth pretend to despise, or endeavour to shut their ears to, such details, there will still remain enough with sufficient goodness of heart to listen to them, and with courage to enforce a remedy where needful.

But although the condition of the civilized world affords no proof of over-production or of over-trading, yet individuals have undeniably suffered by an unjustifiable interruption of the channels of communication on which men have a right to reckon. The recent distress occasioned in the iron-trade by the prohibition to use that indispensable means of production throughout the greater part of Europe, is a calamity with which the civilized world must sympathize. We are far from reproaching the individuals who, confiding in the truth of a grand economical principle, have risked their fortunes in augmenting the production of iron. We deem such men valuable citizens, and hold their interests to be sacred enough to demand something like serious and dignified defence in negotiations carried on with foreign powers.

The secrecy with which our commercial negotiations proceed is one great cause of their constant failure. Both the proceedings and the persons employed in them are screened from the influence of public opinion until the mischief is frequently irreparable. Negotiations of a commercial nature can no longer be carried on by a civilized power with the view of injuring a neighbour, without exciting very different feelings from those which such cases formerly awakened. The indignation which the discovery of fraud or hostility in treaties of commerce arouses, will perhaps not, as formerly,



cause a recourse to arms between the contracting nations; but we are much mistaken if the nature of the responsibility of the negotiating ministers be not seriously increased, and that to a degree which renders it highly impolitic for any individual to take it upon himself. The conclusion of treaties that are inefficient, or which contain clauses likely to impede the progressive interchange of commercial activity, is at the present moment an evil of constant and lamentable recurrence.

The connection which we have assumed between amended morals and increased production is most forcibly illustrated by Mr. Porter in the seventh section of his valuable work, 'The Progress of the Nation.' The manners there described to illustrate the state of society in the last century are now read with wonder, and only excite astonishment that the nation could progress at all under such circumstances. Had our progenitors, on the other hand, been gifted with a revelation of the immense development of resources that has since taken place in England, their astonishment would have been no less, and they must have looked upon the prospect as an Utopian dream. Perhaps we are as little alive as they were to the startling fact, that the condition of this amazing progress was the speedy abolition of much which they estimated as materially useful and ethically wise. The change visible in external matters is not greater than in opinions. We shall find that a survey of the map of Europe, at the present moment, bears great resemblance to such a retrospective glance at former times in England. There is, however, this essential difference between the two cases, that the countries which are now kept back by the artificial influences of which we complain, have a standard with which they can compare their state. They have consequently a stronger impulse to improvement, and there is little doubt that they will eagerly avail themselves of every opportunity to obtain it.

X CORN.—The disadvantage of not being able to ascertain officially either the consumption per head of grain in England, or the production in different years, is not felt to the same extent on the continent. The manner in which the land-tax is levied obliges the local authorities in every district to keep an exact account of every change in the mode of cul-

tivating the land. Meadows, gardens, vineyards and forests are rated differently from arable land; every change of cultivation must therefore be declared and registered. The tax is levied on the arable land, not according to the area but according to the quality; and to ascertain the quality numerous experiments were made, which showed the average production of the soil with great exactness. The consumption is most easily shown by the returns of the octroi at the gates of towns. In nearly all cities, too, a grinding tax is levied on the quantities brought to the mills. The butchers, in many towns, pay so much per head for every beast they slaughter. In this manner a table of the consumption of corn in 121 towns of Prussia is drawn up which has been published by M. Dieterici.

From this table it appears that the consumption not only varies very much in different provinces in the quantity, but also that a considerable difference in the quality of the food prevails in the several parts of Prussia. In Brandenburg, which contains the capital, 102 lbs. of wheat and 207 lbs. of rye fall to each individual, the total weight being 310 lbs. In East Prussia only 75 lbs. of wheat and 212 lbs. of rye were consumed by each inhabitant of the cities, making in all 287 lbs. of flour: this is the smallest extreme, and East Prussia is perhaps the poorest province of the kingdom. The maximum of consumption is found in the populous and industrious province of Saxony, and amounts to 70 lbs. 5 oz. of wheat and 290 lbs. 9 oz. of rye,—in all, to 361 lbs. 9 oz. per head.

For the kingdom, the mean of the four years from 1836 to 1839 was 83 lbs. 12 oz. wheat and 252 lbs. 11 oz. rye, which showed an increase of 18 lbs. of wheat per head, and a decrease of 9 lbs. in the consumption of rye. The total quantity now consumed in Prussia is therefore not only greater than in 1835, but the quality of the food is better. If this quantity be calculated in Prussian scheffels of wheat at 85 lbs. and rye at 80 lbs. each, the consumption per head is,—wheat, 1·0239 scheffel, rye, 2·7253 scheffels; and if all be calculated in rye, it will give 3·9836 scheffels of rye per head per annum.

361 lbs., or  $180\frac{1}{2}$  kilogrammes, are equal to 397 lbs. English, which, at 65 lbs., would be equal to 6 bushels per



head. The maximum consumption, therefore, found in the towns of the best-situated province in point of industry and market prices, is about the minimum that has been assumed for all England, for which the estimates vary from 6 to 8 bushels per head annually. But if this be the maximum of consumption in the towns of the Prussian province of Saxony, it must be considerably above the mean consumption of the whole kingdom of Prussia, although M. Dieterici does not hesitate to calculate the whole consumption from that of the towns at 4 scheffels, or 6 bushels per head.

According to M. Dupin, the consumption of corn in France, in 1831, was calculated at 3·58 hectolitres, or  $9\frac{3}{4}$  bushels. The statement of M. Moreau de Jonnes, which Mr. M'Gregor has quoted, gives us the production of the kingdom in wheat, spelt, maslin and rye as follows:—

Wheat .....	191,284,670 bushels.
Spelt .....	374,348 „
Maslin .....	32,530,982 „
Rye .....	76,482,175 „
	<hr/> 300,672,175 imp. bushels.

X This quantity for 34 millions of inhabitants gives nearly 9 bushels per head. The importations exceed the exports of wheat, but are nearly balanced by the exports of flour on the average of eight years. Moreover, the production assumed must be that of an average year, when the importations are small. There is, perhaps, no strong reason to infer that less corn is eaten in England than in France, except the small consumption of meat in the latter country.

The official estimate of the production in ten Austrian provinces, on which the land-tax is founded, gives a total of 17,659,696 bushels of wheat and 62,571,825 bushels of rye; together, 80,231,521 bushels of bread-corn for a population of 16,370,000 souls. This would be something less than 5 bushels per head, if we suppose the importations to be balanced by the exportations, which is nearly the case. But the estimate founded on these calculations, although valuable as an approximative sum, must be considered as underrated, for the land-tax commissioners in Austria constantly undervalue the productive powers of the land. There is little doubt that the consumption and production equal that of Prussia.

But in their power to produce the quantities here named, these countries are differently circumstanced. England, in order to give 8 bushels per head to 27 millions of inhabitants, must raise 1800 bushels per square mile on the whole extent of the British Islands. France, to afford 9 bushels per head for 35 millions of souls, requires to raise 1673 bushels per square mile. Prussia needs 833 bushels from every square mile, if 15 millions are to consume each 6 bushels. In the ten Austrian provinces, 724 bushels per square mile will yield 6 bushels for 16 millions. The productiveness of agricultural industry in these four countries may therefore be estimated according to these proportions.

MEAT.—The consumption of meat in England cannot be ascertained from official sources. Various estimates have been attempted, and it is supposed that the quantity averages between 60 and 70 lbs. per head annually. Of this one half is supposed to be beef, the rest mutton, veal and pork. A report published by the Councils of Agriculture gives the following statement of the consumption of butcher's meat in France:—

	Average consumption per head.		
	Beef and Veal.	Mutton.	Total.
	kil. d.	kil. d.	kil. d.
1830 .....	9.62	2.74	12.36
1840 .....	8.91	2.38	11.29

The diminution in the consumption, which in 1840 was 25 lbs. per head, is attributed to the effect of the increase of duty on imported cattle in 1822.

For the German states of the Customs' League, M. Dieterici gives the following table of the number of pounds (half kilogrammes) consumed per head annually:—

	Beef.	Veal.	Mutton.	Pork.	Total.
Prussia .....	16.295	5.208	5.439	8.241	35.183
Bavaria .....	29.292	7.189	1.739	7.189	45.409
Württemberg .....	23.354	6.590	2.144	6.106	38.194
Saxony .....	18.111	4.446	2.256	3.462	28.275
Elect. Hesse .....	15.415	4.204	3.763	11.772	35.154
Grand Ducal Hesse ..	16.111	5.910	1.643	11.735	35.399
Baden .....	14.205	3.749	0.841	14.219	33.014
Nassau .....	25.973	7.083	2.535	9.597	45.188



The official returns of the ten Austrian provinces before mentioned show a stock of 4,727,432 head of horned cattle, which is nearly equal to that of the kingdom of Prussia. The population being 16,370,000, the consumption of beef would average 13·7 lbs. per head. The quantity of game, the produce of the German forests, which is annually consumed, must also be taken into account in both Prussia and Austria. The consumption of Belgium is estimated at 35·7 kilogrammes, or 79·4 lbs. per head. An important conclusion may here be drawn. If England consumes 8 bushels of wheat per head, and other kinds of bread corn in quantity equal to the consumption of France, it is clear that a large consumption of meat is practicable and consequently desirable with this supply of grain. In England we do not consider the mass of the people over fed.

In addition to the fat of the large stock of cattle in England, an importation of one million cwts. of tallow takes place annually from different countries into Great Britain. Prussia imported in the three years from 1807 to 1809, 42,223 cwts. of tallow. No tallow seems to be imported into the ten provinces of Austria before mentioned.

✕ **BEER.**—This is an article of extensive consumption throughout central Europe. It is not a little singular that the experience of Prussia has of late years presented the same results with that of England. In both countries a diminution in the quantity of beer consumed is observable, as far as it can be estimated by the quantity of malt that is used.

Mr. Porter tells us that in 1801 the consumption of malt in England and Wales amounted to 18,005,786 bushels, for a population of 9,345,578: this gave nearly two bushels per head. In the same year the consumption of the United Kingdom was 1·2 bushel per head. In 1811 the consumption increased to 1·6 bushel. In 1831 it was 1·63. In 1841 it declined to 1·35 bushel per head. The total quantity consumed in 1841, by a population of 26,711,694 souls, was 36,164,285 bushels. At different periods of the last century the consumption far exceeded the highest amount which it has reached in the present century. Thus, in 1750 the consumption per head was 4·85 bushels; in 1760 it was 4·29 bushels; and in 1780 it was 3·94 bushels per head. The decrease in the consumption

observable in the returns for 1841, as compared with those for 1838 and 1840, may be accounted for by the operation of the existing excise-duties. Notwithstanding the unpopularity of the beer-tax, and the relief supposed to be afforded to the public by its abolition, it is clear, from the official returns, that the consumption of beer brewed from malt has decreased since the change. The quantities consumed were, in—

1831,.....	39,252,269 bushels ;	average per head 1·63 bushel :
1835,.....	42,892,054 bushels ;	average per head 1·70 bushel :
1836,.....	44,387,719 bushels ;	average per head 1·78 bushel :
1837,.....	40,551,149 bushels ;	average per head 1·59 bushel :
1840,.....	42,456,807 bushels ;	average per head 1·60 bushel :
1841,.....	36,164,285 bushels ;	average per head 1·35 bushel.

We can see no other satisfactory mode of accounting for this decrease than on the principle we have laid down, that in proportion as a tax is removed from the early stages of production and brought nearer to the consumer, it becomes less oppressive. On this principle the beer-tax must scarcely have been felt as a weight, and consequently could but little affect the consumption. The malt-duty was all along the grievance, and continues to be as oppressive as it was before.

Many of our readers, judging from local experience (a test we are by no means inclined to undervalue), will urge the fact of an undoubted increase in the consumption of home-brewed beer, proved by the great number of additional retailers that now cover the country, in comparison with the number that existed previously to the abolition of the beer-duty. To this we can only oppose the official return regarding malt, as startling documentary evidence, that if the quantity consumed has increased, the quality has manifestly retrograded. How the farmers, the government and the public have been benefited by the change, is therefore still to be explained.

It must be evident, that to tax malt and hops and to leave beer free from all charge, is to hold out the strongest inducement to make beer of anything rather than of malt ; nor do we rate the talents of our chemists so low, as to suppose them unable to devise substitutes for malted grain.

If, therefore, the revenue is to be benefited by any reduction, while an increased amount of duty at the lower rate is to be derived from increased consumption, it can only be by



the application of our principle. Let a moderate beer-tax be substituted for the present malt-duty, of which only so much might be retained as would subject the maltster to a slight control. We venture to prophesy that adulteration would then cease, because it would be rendered unnecessary. It might become impossible if every brewer were obliged to give annual returns of the malt he consumed, which could be compared with the returns of beer brewed. Without any alteration in the present system of licensing, the control would every year become more easy, since, according to another principle we have laid down, the great cheapness of malt liquor would cause the manufacture of both beer and malt to pass into the hands of producers on a large scale. The boon to the agricultural interests that would thus be afforded, ought to procure for the minister who proposed it a majority in favour of reducing the duty to a *maximum* of five shillings per quarter on wheat imported, whilst the principle of the sliding-scale, and the present proportions between the rates at which the various kinds of grain are charged, were preserved. The abolition of the beer-duty has clearly not answered the proposed end; we therefore do not see why some feasible scheme like this should not be tried, which would augment the revenues both of the crown and the landlords, while it diffused plenty amongst the people.

The consumption of beer of all kinds in the United Kingdom, supposing all to be made of malt, may be estimated for 1841 according to the proportions assumed by the trade at 665,750 gallons, or at about  $25\frac{1}{2}$  gallons per head.

In Belgium, where beer is in general use, M. Heuschling estimates the annual average consumption at 135 litres, about 150 quarts per individual. This quantity,  $37\frac{1}{2}$  gallons, the same writer values at 16 francs, or at about 4*d.* per gallon. Mr. M'Gregor states the consumption to be 182 litres, or 205 imperial quarts =  $51\frac{1}{4}$  gallons per head. In Belgium the duty is levied on the quantity of *beer sold*, consequently the tax is placed as near the consumer as possible.

The quantity of malt brewed in Prussia in 1831 was 1,980,360 cwts.; in 1839 it was only 1,913,518 cwts., notwithstanding a rapid increase of population in the interval.

M. Dieterici calculates the consumption of beer in the first-named year at 15·19 quarts per head; in the last-named year it was but 13·48 quarts per head. As, however, the trade in domestic products between Prussia and Bavaria was thrown open in the interval, it seems probable that the considerable quantity of beer sent from the latter country, where it is made of superior quality, occasioned a diminished production in Prussia. It must likewise be remembered, that the exportation of grain to England operated to raise the prices throughout Germany, and to diminish the home consumption in proportion. Still the fact is interesting, when compared with a continually decreasing consumption, that in Prussia, as in England, the duty is charged on the malt and not on the beer. The Prussian malt-duty is 2*s.* per cwt. The consumption of malt in Prussia in 1839 did not exceed one-third of a bushel per head of the inhabitants. Beer of excellent quality is brewed in many provinces of Austria, but is too dear to become an object of consumption for the people.

+ In the northern parts whiskey, in the southern wine and fruit brandy, are the common beverages.

**SPIRITS.**—The consumption of ardent spirits has grown to be so considerable in our islands since the reduction of the excise-duty, that it deserves no less the attention of the financier than of the philanthropist. From 1812 to 1821 the consumption of the United Kingdom increased only from 9,213,795 gallons to 9,822,573 gallons. In 1831, when the duty was only 7*s.* 6*d.* per gallon in England and 2*s.* 4*d.* per gallon in Ireland, the consumption increased to 21,845,408 gallons, or nearly nine-tenths of a gallon per head. In 1838 it increased to 26,486,543 gallons, which, for a population of 25,907,096, averaged 1·02 gallon per head. It has since declined to 20,642,333 gallons in 1841, which averages but ·77 gallon per head.

The enormous increase in the quantity of spirits, on which duty was paid in 1831, is not to be ascribed altogether to an increased consumption. No doubt a great deal of illicit distilling was given up when the reduced duty diminished the temptation to the contraband trader. It is perhaps probable that the previous consumption was not much less. But



the diminution in the quantity produced in Ireland, from 12,296,342 gallons in 1838 to 6,485,443 gallons in 1841, cannot be accounted for in any such manner. It can only be regarded as a symptom of improvement in the morals of the people; which, as it must afford satisfaction to every friend to his country, demands imperatively all the aid that government can lend to forward it.

An increased consumption of beer, arising from a transfer of the malt-duty to the fermented liquor, would give the Chancellor of the Exchequer an opportunity of diminishing, by an increased rate of duty, the falling consumption of spirits. For such a step at the present moment, a minister has the unexpected, but most satisfactory, guarantee of the moral progress that has taken place in Ireland, that the temptation will not, with proper precautions, induce a return to smuggling. When adducing the arguments we have suggested, he might be sure of support in any arrangement with distillers.

But the importation of foreign and colonial spirits has to be added to the consumption of British spirits; this amounted in 1841 to,—

Rum.....	2,277,970 gallons.
Foreign .....	1,186,104 „
	<hr/> 3,464,074 „

This quantity averages  $\cdot 13$  gallon per head, which, added to  $\cdot 77$  gallon, the average consumption of British spirits, gives a total of  $\cdot 9$  gallon for the population of Great Britain.

In Prussia no diminution in the consumption of ardent spirits is shown by M. Dieterici from 1831 to 1839, notwithstanding an advance made in the excise-duty in 1838 of  $16\frac{2}{3}$  per cent. The space of 20 quarts = 5.04 imperial gallons in the mash-tub, which before 1838 paid  $1\frac{2}{3}$  gros ( $1\frac{2}{10}d.$ ) duty, now pays 2 gros, or  $2\frac{1}{10}d.$  The calculation in Prussia is, that 100 quarts of mash give 10 quarts of spirits at 50 per cent. of Tralle's alcoholometer; the duty is therefore about 6d. per imperial gallon for town, and  $4\frac{1}{2}d.$  for country distilleries. By country distilleries are understood such as distil the produce of their own farms, and only work between the 1st of November and the 1st of May.

The quantity produced in the respective years, reduced to English measures at 5·04 imperial gallons for the Prussian eimer of 60 quarts, was,—

		Population.	Consumption per head.
1831.	{ 150,000,000 qts. or 13,600,000 gallons }	13,936,547	·93 imp. gal.
1839.	{ 197,000,000 qts. or 16,547,988 gallons }	14,907,091	1·1 imp. gal.

The consumption of home-distilled spirits in Prussia is therefore now greater than in England. For some of our agricultural readers, it will be interesting to learn M. Dieterici's statement of the raw materials used in producing the quantity distilled in 1839. This enumeration shows,—

213,201	scheffels of wheat.
968,716	„ rye.
1,941,896	„ barley.
12,886	„ oats and buckwheat.
20,055,175	„ potatoes.

The quantity of corn used in distilling had diminished since 1831 by 1,210,807 scheffels. The quantity of potatoes used was greater in 1839 by 6,834,708 scheffels. It is likely that the quantity of corn exported in 1839, from Prussia to England, contributed to bring about this alteration. Of 94,853 cwts. (about 630,000 gallons) of spirits exported beyond the imports in 1839, a considerable quantity came to England.

M. Heuschling calculates the quantity of home-made spirits produced annually in Belgium at 260,000 hectolitres, or 5,720,000 gallons, which, for 4,300,000 inhabitants, gives  $1\frac{1}{3}$  gallon per head. Mr. M'Gregor states it at 8·7 litres, or 2·45 gallons. The duty is, as in England, levied upon the distiller, according to the time of working, the strength of the spirit produced and the size of the vessels. In Belgium the spirit-duty does not produce more than 2,400,000 francs per annum, whereas the beer-duty amounts to 5,500,000 francs.

WINE.—Although a considerable portion of Germany is well adapted to the cultivation of the vine, yet the area of land under that crop bears no proportion to the extent of vineyards in France.

M. Dieterici gives 349,600 Prussian morgens (216,550 acres) as the area of all the vineyards in cultivation within the German league in 1839. In France the vineyards exceed



2,130,000 hectares, or 5,272,000 acres. The total average production of the German vineyards is assumed by M. Dieterici to be 4,266,400 eimers; the imports averaged in four years 126,230 eimers, together 4,392,630 eimers. The exports of wine, from 1836 to 1839, amounted to 128,967 cwts., or about 116,898 gallons. The three years of which the average production is here given were all unfavourable seasons for the vine; notwithstanding which, the consumption of Germany, taken at 4,315,150 eimers, or 65,245,068 gallons, averaged in 1836-1839, 2·4 gallons per head.

The consumption of wine in Great Britain, according to Mr. Porter, has not kept pace with the growth of the population; it was in—

		Gallons.		Consumption per head.
✕ 1801	.....	5,838,592	.....	0·53 gallon.
1838	.....	6,504,038	.....	0·36 „
✕ 1841	.....	5,582,385	.....	0·30 „

It is probable that the light wines of Germany would not suit our climate, so that any extensive consumption of as cheap a beverage as they afford our neighbours, drawn from that quarter, cannot be contemplated; but the light wines of France, Italy, Hungary and the Cape are of a more generous nature, and their consumption can no doubt be very much increased in Great Britain. The present duties are evidently prohibitory.

The returns of the statistical bureau at Vienna show an area of 2,204,796 jochs, or 3,086,714 acres under vine cultivation. The very moderate estimate of the production of these vineyards, which forms the basis of the calculations of the land-tax, gives 10,424,145 eimers, or 133,429,056 imperial gallons. The exports of Austrian and Hungarian wine, which are chiefly sent to Poland and Russia, averaged in ten years, from 1829 to 1838, 17,600,000 lbs. weight (perhaps about 2,700,000 imperial gallons). The imports within the same period amounted on an average to nearly 7,000,000 imperial gallons. The quantity left for consumption would, according to this loose estimate, be 140,425,000 gallons, which gives for each individual, in a population of 35,000,000 souls, 4 gallons.

The consumption of wine in France is so various, as to furnish the strongest possible argument against the restric-

tions imposed by the financiers of that country upon the circulation of the commonest articles of produce. Wine is not, like other agrarian produce, found everywhere even in that kingdom; and the difficulty of transporting a bulky commodity of little value, where the means of communication are neglected, together with the impediments offered by the octroi at the gate of every town, sufficiently account for the great irregularity observable in the consumption of this favourite beverage. Baron C. Dupin gives the consumption per head, in some of the northern departments, as follows:—

Department du Nord.....	6 $\frac{88}{100}$	litres per head.
„ Pas de Calais.....	5 $\frac{88}{100}$	„ „
„ La Somme.....	7 $\frac{88}{100}$	„ „

while in the southern departments the consumption amounts to 100 or more litres annually per head. The crop in 1841, according to official returns, produced 33,688,840 hectolitres, which gave nearly 100 litres per head to each individual in the kingdom. The exportations did not exceed 1,488,000 hectolitres. The returns of the collectors are, however, supposed to underrate the crop; and the commission appointed to inquire into the state of this branch of agriculture has assumed 42,000,000 hectolitres, or 924,000,000 gallons, to be an average crop. On the same authority, the annual consumption of the kingdom is assumed to amount to 16 gallons per head.

In 1838, Belgium imported 8,148,000 litres of wine, and exported 386,470 litres; this would leave, with the addition of the small domestic production, about 2 gallons per head for the consumption. The duty on French wines is now very moderate in Belgium.

**FRUITS.**—Amongst the luxuries of the table, the dry and fresh fruits of southern Europe and the colonies may be reckoned. The importation of these is much greater in England than in Germany, on account of the small quantity and inferior quality of our home-grown fruits.

In 1840, the quantity retained for consumption in Great Britain was, of dried fruits, 378,914 cwts.; of lemons, oranges, etc., 301,141 boxes of all sizes. The German League imported in 1839, of dried fruit, 32,321 cwts., and 100,250 boxes



of lemons, etc. The south of Germany exports every year large quantities of prunes and other dried fruits to the northern parts of the League. In Austria, the rich fruits of the trans-alpine provinces and of Hungary reduce the quantity of such articles imported. France and Italy are even better supplied with these luxuries, in the consumption of which England, in spite of her numerous colonies, is probably far behind the greatest part of Europe. The use of dried and preserved fruits is very general wherever the climate allows plums and pears to ripen. Plums are frequently boiled down to a jelly, without the addition of sugar, and keep in this state remarkably well. A large crop of plums has occasionally a considerable effect on the price of butter in south Germany.

**RICE.**—The bad harvests of 1838 and 1839 no doubt contributed to increase the consumption of rice in Great Britain, which in 1840 exceeded 40,000,000 lbs., or  $1\frac{1}{2}$  lb. per head. The quantity retained for consumption in 1841 considerably exceeded the consumption of 1840. In Germany the imports amount to about ten millions of pounds annually, for a population equal to that of the United Kingdom. The imports into Austria afford no standard by which to judge of the consumption, as several provinces of the empire produce rice. That of Lombardy is esteemed at Vienna superior to the best American, and fresh Italian rice is there considered a luxury.

The use of this grain is gradually increasing in France, and the importation in 1840 exceeded 12,000,000 kilogrammes, or nearly  $\frac{2}{3}$  lb. for each inhabitant. Belgium imported 4,107,400 kilogrammes, and exported 384,997 kilogrammes in 1841, leaving for the home consumption about  $1\frac{2}{3}$  lb. avoirdupoise per head.

Baron von Reden's survey of the producing countries is not correct. The following is more accurate at least for Java and Bengal :—

The United States at.....	70,000,000 lbs.
Java and Sumatra.....	143,000,000 „
Egypt and the Levant .....	30,000,000 „
Manilla .....	2,000,000 „
Bengal .....	40,000,000 „
West Indies and S. America.....	1,000,000 „
Total .....	286,000,000 lbs.

These are the quantities available for importation into Europe, without taking the internal consumption of the producing countries into account. The produce of Europe is said to be,—

Italy.....	15,000,000 lbs.
Southern Russia .....	4,000,000 „

The total production does not much exceed, therefore, 1 lb. per head for the population of Europe, while the consumption of England exceeds, as we have seen,  $1\frac{1}{2}$  lb., and with a slight reduction in price would unquestionably be much augmented.

SUGAR.—Sugar is an article which deserves especial attention, for the forcible refutation it offers of the notion that any commodity of general use can easily be produced in quantities that would glut the market. We shall see that the quantities at present produced both in Asia and America do not furnish one-sixth of the quantity that would be consumed in Europe, if it could be obtained in sufficient quantity at a reasonable price. Mr. Porter's valuable communications show us that the production of our West India colonies fell off, between 1831 and 1841, from 200,000 tons to 110,000 tons. The additional supply raised from our East India possessions increased within the same interval to 12,500 tons. The average consumption per head of our population, which in 1831 amounted to 19·24 lbs., declined in 1840 to 15·28 lbs. In 1841 it was again 17·65 lbs., the price having fallen ten shillings per cwt. Of the privation thus occasioned here, where sugar had grown to be a general article of household use, an idea may be formed, from the facts that the allowance to every person serving on board Her Majesty's ships is 34 lbs.  $\times$  3 oz. yearly, and that  $22\frac{1}{2}$  lbs. are allowed to aged paupers in the Union workhouses.  $\dagger$

We shall see more forcibly the actual privation occasioned by the want of sugar, when we consider the consumption of tea and coffee. Here it will suffice to remark, that as good authorities give 40 lbs. as the average consumption of those classes who can afford it, the natural limit of the consumption of sugar in Great Britain, with a population of twenty-six millions, would be nearly 470,000 tons, or more than double what it has ever yet been. Nor can such a consumption be thought



dangerous for the home farming interests, when it is considered that the seaman drinks his spirits and wine, eats his bread and meat with full relish, although consuming, as we have seen, his  $1\frac{1}{2}$  oz. per diem. If England then, in the most productive year, was but half supplied with sugar, what must be the condition of those lands, which, possessing no colonies and but limited means of trade, are dependent upon the owners of colonies for their supplies?

M. Dieterici has taken the pains to draw up a table showing the importations of colonial sugar into the principal states of Europe that draw their supplies direct.

IMPORTS.			
	1837.	1838.	1839.
Hamburg.....	88.0	102.0	85.0 millions of lbs.
Bremen .....	12.3	15.4	13.3 "
+ Holland .....	131.3	158.8	168.1 "
Belgium .....	46.8	34.5	32.0 "
+ France.....	138.8	162.7	152.9 "
Italy .....	82.8	105.4	102.4 "
Great Britain.....	446.9	560.0	477.6 "
	946.9	1138.8	1031.3 millions of lbs.

The total importation for the continent of Europe in 1839 amounted to 553,700,000 lbs., or little more than the supply now required in an average year for the British Isles. We may remark, that if all these figures do not possess the authenticity of official reports, yet they are carefully collected from the published notices of merchants, where official sources are not open, and may be relied upon as closely approximative calculations.

If the population of Europe be estimated at 230,000,000, the present total importation would give but  $4\frac{1}{2}$  lbs. per head annually; but we know that the population of England, France and the German Customs' League consume six and a half millions out of the ten million cwts. imported. This quantity, if equally divided amongst the eighty-six million inhabitants in these states, would give but 7.4 lbs. per head. In order to furnish *these countries alone* with a full supply, at 40 lbs. per head, an additional quantity of twenty-eight

million cwts. annually would be requisite. The remaining 144 million inhabitants in Europe dividing but three and a half million cwts. between them, their average consumption does not exceed 2·7 lbs. per head. To supply them fully, without prejudice to their present consumption of domestic produce, a further annual production of 53·7 million cwts. would be required. But even if we assume one-half of the average quantity required by the northern European nations to be a sufficient supply for the wine-growing countries of the south, of whose wants we know something, a quantity of sugar is required amounting to more than three million tons, of which Asia and America now furnish but half a million. If, under these circumstances, the fears of our colonists that foreign competition would cause a ruinous reduction in the price of sugar must appear laughable, we cannot wonder that the inhabitants of Europe are spurred to great exertions to make up the deficiency even in part. The colonial possessions of Great Britain furnish nothing to the consumption of the rest of Europe. The supplies for the continent are drawn from Holland, from the Spanish colonies and from independent America exclusively. But for the great progress which all these countries have made since the peace, the continent would be totally unsupplied with tropical produce.

From the debates on the proposal to lay a duty on beet-root sugar in France, we learn that the quantity produced in that country by 582 factories had been between thirty-five and forty million kilogrammes, but fell in 1841 to thirty-one million kilogrammes. Belgium has given no official returns, but the quantity of beet-root sugar there produced may be estimated at 100,000 cwts. The states of the German Customs' League are estimated to yield, in 159 factories, 145,210 cwts. In Austria, Dr. Fränzl assumes 84,000 cwts. to be produced by 77 factories. Russia has 174 factories, which, at 900 cwts. annually, may yield 156,600 cwts. The total of these gives 1,285,810 cwts. of sugar. Baron von Reden estimates the beet-root sugar produced in Europe at 1,700,000 cwts.: M. Dieterici thinks there is reason to believe that it amounts to 1,500,000 cwts. The latter author furnishes the following comparative statement of the actual



consumption in the undermentioned countries. The sugar consumption, per head, may be estimated as follows:—

	Colonial.	Beet-root.	Total.
France.....	5 lbs.	2·5 lbs.	7·5 lbs.
Russia .....	1 „	0·3 „	1·3 „
Austria .....	1·3 „	0·3 „	1·6 „
German League .....	4·3 „	0·6 „	4·9 „

These facts warrant the assertion that a deficiency in the supply of sugar, rather than the inability of the inhabitants to pay for it, is the cause of this small consumption by many European nations. Our opinion is strengthened by the calculation of Baron von Reden, according to which the importations to Germany, Holland and Belgium have been doubled within the nine years from 1832 to 1840, without any serious reduction in price. In fact the price continued to rise during the first years of the augmentation of the imports, and the decline of the average price is now mainly to be attributed to the bad quality of recent shipments from Java\*.

	Imports of sugar into Germany, Holland and Belgium. kilogrammes.	Average price at the Dutch auctions of Java, Muscova, etc.	
		s.	d.
1832.....	118,061,918 .....	29	0 per cwt.
1833.....	93,933,413 .....	27	6 „
1834.....	100,844,100 .....	27	6 „
1835.....	120,059,742 .....	33	4 „
1836.....	127,742,590 .....	35	10 „
1837.....	123,440,158 .....	29	8 „
1838.....	146,798,843 .....	29	8 „
1839.....	184,476,863 .....	27	3 „
1840.....	201,153,273 .....	25	0 „

With this experience before us, we may venture to prophesy an equally good market in Europe for more than double this quantity of sugar, if English, French, Austrian and Russian duties were but in some degree lowered from an amount which at present acts as a prohibition. We know no field of speculation that promises so sure a return, and no source of revenue which is likely to augment in so rapid a ratio for the governments of Europe.

This is the encouragement held out to the owners of tropical property at the present crisis. The complaint of a want of hands is everywhere heard: let this want be sup-

\* The British and Foreign Review, No. XXIV. p. 447.

plied by the application of machinery, for which the abundance, or rather superabundance, of iron in our markets is especially favourable. An increase of production in our tropical colonies supposes an increase of shipping, of the supply of staves, and of other means for packing and transport. The policy of encouraging the refining and claying in the colonies, which would cheapen the transport and deliver our towns from one dangerous nuisance at least, would then also become apparent.

That the production can be even more easily doubled in our colonies than in Java or in the slave districts is beyond doubt. The expected increase must in a great measure be derived from rendering labour more effective by means of education, which cannot be safely imparted to slaves, and by the introduction of machinery, which Holland and the other states with colonies exclude by their high duties. Holland, France, Spain, and the states of North and South America, can procure the same advantages only on the same terms. They must allow a fair share of the profits on every increase of gain to the labouring classes; that is to say, slavery and monopolies must be given up, before the mental energies of those classes can be stimulated. They must avail themselves of the cheapness of English manufactures and machinery, if they will not pay double wages for the same kind of services.

**COFFEE and TEA.**—The consumption of sugar is materially promoted by the abundance and cheapness of tea and coffee; but at the same time it is evident that tea and coffee can easily outstrip the supply of sugar.

M. Dieterici gives the following survey of the importations of the principal trading countries of Europe in the three years from 1837 to 1839. Coffee imported into—

	1837.	1838.	1839.	
Hamburg.....	52·	53·	47·	millions of lbs.
Bremen .....	8·8	16·0	11·7	„
Amsterdam.....	47·3	52·0	56·1	„
Rotterdam .....	35·1	39·0	41·8	„
Antwerp .....	43·6	34·5	32·8	„
Havre .....	19·6	20·6	17·1	„
Bordeaux .....	5·5	7·0	4·4	„



Marseilles .....	8.3	10.7	12.0	millions of lbs.
Genoa .....	4.3	3.0	5.2	"
Leghorn .....	2.2	1.4	1.8	"
Trieste .....	16.7	26.7	23.4	"
Great Britain.....	32.8	38.7	42.1	"
	276.5	302.8	295.9	millions of lbs.

Mr. Porter's tables show the coffee imported into Great Britain to have amounted, both in 1840 and 1841, to  $70\frac{1}{4}$  millions of lbs., or nearly double the quantity here given as the annual average from 1837 to 1839, which is however correct. Whether this additional importation was the effect of an increased production, or merely occasioned by a transfer of part of the continental trade to English harbours, it is too soon to decide. At all events, England, which imports one half of the sugar now sent to Europe from Asia and Africa, draws but one-fourth of the coffee-importation into her ports. The great preference shown on the continent for coffee instead of tea, no less than our differential duties, no doubt occasions us this loss. The expensive port-dues and charges in our harbours may also be to blame. Java is the great source of the increased production in coffee as well as sugar, and the former is found to be most profitable by the Dutch East India Company, at prices differing so much from those in England as the following\* :—

London prices of Coffee in bond.			Dutch prices of Coffee.
	East India.	Jamaica.	
1838.	75s.	100s. per cwt.	45s. to 68s. 3d. per cwt.
1839.	72s.	115s. „	53s. „ 73s. „
1840.	60s.	93s. „	45s. „ 68s. 3d.

From this comparative statement, the necessity for protecting differential duties on coffee is not very apparent. The quantity of coffee consumed in Great Britain (exclusive of Ireland) is stated by Mr. Porter to have risen from 1.09 oz. in 1801 to 1 lb. 7.6 oz. in 1841. As no inducement has been of late years offered to consume coffee by the diminished price or greater abundance of sugar, Mr. Porter is fully warranted in ascribing the increased consumption in great part to the reduction of

\* The British and Foreign Review, No. XXIV. p. 444.

the duty, which he makes apparent by the following table. We suggest the importance of the increased supply :—

Years.	No. of lbs. consumed.	Rate of Duty per lb. on British Plantation Coffee.	Population of Great Britain.	Average consumption per head.	Revenue calculated per head.
	lbs.	s. d.		lbs. oz.	d.
1801.	750,861	1 6	10,942,646	0 1-09	1½
1811.	6,390,122	0 7	12,596,803	0 8-12	4
1821.	7,327,283	1 0	14,391,631	0 8-01	6
1831.	21,842,264	0 6	16,262,301	1 5-49	8
1841.	27,298,322	0 6	18,532,335	1 7-55	10½

If this survey shows how erroneous it would have been to have taken our consumption of coffee at any period antecedent to 1841 as the maximum, the experience of our neighbours evinces that a larger consumption still is practicable.

France imported in 1840, 28,183,960 kilogrammes of coffee, and exported 8,695,106 kilogrammes, leaving for the consumption 19,488,854 kilogrammes, or 1·1 lb. per head. Belgium imported 15,810,745 kilogrammes, and exported 814,214 kilogrammes, leaving nearly 7 lbs. per head for the home consumption. M. Dieterici gives the following statement of the importations into the states of the German League :—

	1837.	1838.	1839.
Coffee	{ 531,487 cwt. or }	{ 567,285 cwt. or }	{ 570,294 cwt. or }
imported	{ 56,463,570 lbs. }	{ 62,401,350 lbs. }	{ 62,752,340 lbs. }
Population .	26,008,973	26,439,247	26,858,886
Average quantity per head	} 2·25 lbs.	2·36 lbs.	2·34 lbs.

The consumption of tea in England has of late years so much increased, that it forms a subject of important consideration both as an article of food and a source of revenue. In 1801 the consumption of the United Kingdom was 19,643,345 lbs., or 1·2 lb. per head. In 1841 it reached 36,675,667 lbs., or 1·4 lb. per head for the greatly increased population. We believe the consumption of this article to be less affected by the rate of the import-duty than by the facilities afforded to the consumer. Besides supplying an agreeable beverage, its medicinal qualities recommend it in damp and low countries, where it is most largely consumed. The supply of sugar is, however, the chief condition



of its consumption in all countries, and this point at the present moment cannot be too earnestly pressed upon the consideration of European statesmen.

It is one of the difficulties that present themselves on a review of our home consumption, that the increase in the quantity of tea and coffee consumed during the present century bears no proportion to the increased use of sugar. The consumption was in—

Tea.	Coffee.	Sugar.
1801,—20,237,753 lbs.	750,861 lbs.	3,639,565 cwt.
1841,—36,675,667 „	27,298,322 „	4,208,324 „

Thus the increase in tea is 80 per cent., and in coffee thirty-nine fold; while sugar has only advanced 16 per cent. in the same period. There are but two suppositions that can arise from this statement of facts,—either that tea must be drunk with less sugar than formerly, or sugar must be abstracted from other purposes in order to be used with tea. Either supposition confirms our opinion respecting the scarcity of sugar, while both disclose the condition on which the consumption of tea can be increased. Such an increase is highly desirable, were it only that it will prove the best means of extending the demand for our manufactures in China. Tea and raw silk will probably become our best returns from that country. But if the amount of duty levied on tea is of comparative indifference to the consumer on account of its in no way interfering with the production, and its being levied at the convenience of the merchant in this country, there are political reasons for considering its amount, arising from the competition of other states. The present scale of duties in Europe is as follows:—

	s.	d.	
England .....	2	1	per lb. avoirdupois.
France .....	1	2½	„
Austria .....	1	9½	per lb. Austrian.
Belgium .....	1	10	per lb. avoirdupois.
Denmark { black.....	0	9½	„
{ green ...	1	1½	„
German league.....	0	3½	„
Russia*.....	.....	.....	.....

\* In the statement of the Russian trade with China by Kiachta in No. XXIII of

It would be most desirable, with the present feeling of rivalry existing on the continent, to leave no opening to intrigue by an unfavourable comparison of the rates of duty.

The quantity of tea consumed in Central Europe is small when compared with the consumption of England. Of the consumption of Holland, which is the greatest, we know little or nothing: the continent is, however, under great obligations to Holland for facilitating the consumption both of tea and coffee by the large additions the Dutch annually furnish to the supply of sugar. The quantity of tea imported into the German League in 1839 was 366,600 lbs., of which quantity two-thirds was re-exported. Austria imported in 1840 but 317 Austrian cwts. France in 1840 imported 493,604 kilogrammes, which must have been a small supply for the English travellers and residents in that country. Belgium imported 39,454 kilogrammes in that year. In Russia the consumption of tea is probably larger than in any other continental state: teas of the finest quality are brought at an enormous expense from Kiachta for the use of the highest classes. Amongst the poor a strange mixture of refuse tea and buttermilk is used, especially eastward of the Volga.

TOBACCO.—We need not here discuss the question whether tobacco ought to be classed amongst the articles of nourishment or not: custom has made it rank amongst the comforts of a great number of people in all lands. It is a plant of extensive cultivation on the continent. In Prussia 34,731 morgens, or nearly 22,000 acres, were planted in 1839.

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the British and Foreign Review, the amount of duty levied on tea as well as mixed wares is given in one sum. It is therefore impossible to ascertain more from this official document than that the Russian frontier duties on Chinese wares amount to 140 per cent. on the value of the wares imported, at the Russian valuation.

Official value of goods imported.		Duty levied.
1835.	7,146,205 rubles.	9,545,698 rubles.
1836.	8,618,135 "	11,262,834 "
1837.	7,121,668 "	9,689,939 "

Mr. M'Gregor's recent work gives no information on this point. In the tariff published by that gentleman, tea is generally said to be prohibited.



The crop is estimated according to the quality of the land as follows by M. Dieterici:—

First class .....	1,537½ morg. at 9 cwt.	.....	13,834 cwt.
Second „ .....	3,878½ „ 7½ „	.....	29,092 „
Third „ .....	26,142½ „ 6 „	.....	156,858 „
Fourth „ .....	3,173 „ 4½ „	.....	14,278 „
			214,062 cwt.

The growth of the other states of the German League is not known with certainty. M. Dieterici assumes that the annual consumption in Prussia of tobacco grown in south Germany is 60,000 cwt., and of foreign tobacco 90,000 cwt. The total consumption therefore, 40,150,000 lbs., gives, for 14,998,125 souls, 2·4 per head.

The consumption in Great Britain has been much modified by the high duty. In 1811, with a duty of 2*s.* 2*d.* per lb., it was 21,376,267 lbs., but sank in 1831 (when the duty was raised to 4*s.*) to 15,598,152 lbs. It rose again to 22,309,360 lbs. in 1841, or 13·36 oz. per head, the duty being 3*s.* per lb. Mr. Porter remarks that we have here a proof that 4*s.* is an exorbitant duty, and as such interfered with the consumption. If we compare the consumption of England with that of Prussia, we might say the same of the duty of 3*s.* or even of 2*s.* 2*d.* The Prussian duty is 5½ dollars (16*s.* 6*d.*) per cwt. for raw tobacco, and 11 dollars (33*s.*) per cwt. for manufactured tobacco.

Austria, like Prussia, produces tobacco for home consumption, but in larger quantities and of better quality. The sale in the greater part of the empire is a government monopoly, and as pains are taken to keep the quality stationary and the price does not vary, the consumption remains one year with another also invariable, unless affected by the increase of population. The quantity manufactured on government account in 1837 is stated to have been 200,721 cwt. of 123 lbs. avoirdupois. For a population of 10,250,000, this would give 2·3 lbs. per head. The trade in tobacco is free in Hungary, Transylvania and the Military Frontier, as the producing countries: in these provinces the consumption is undoubtedly much greater than in the rest of the empire.

† Hungary exports annually a great quantity of tobacco, which

for the most part is equal in quality to that of Turkey, and of a lighter and more delicate aroma than the North American plant. The exports vary with the crop, which, from the singular neglect this product has met with from the rest of Europe, is carelessly cultivated. The exports of Hungarian tobacco in 1838 amounted to 5,385,300 Austrian lbs. (100 Austrian lbs. = 125 English lbs.). The manufactured tobacco exported amounted to 66,500 lbs. The production of Hungary could unquestionably be augmented fourfold with ease.

France has of late years paid more attention to the produce of Hungary, and imports a considerable quantity from that country. The imports in 1840, including cigars, were 54,611,131 kilogr. or about  $1\frac{1}{2}$  lb. per head of the population. Belgium imported in the five years from 1836 to 1840, 5,891,000 kilogr., and in 1841, 6,516,722 kilogr. The exports in 1841 were only 145,121 kilogr., so that 1·7 lb. remained for home consumption. A considerable quantity of tobacco is also grown in Flanders.

**COTTON.**—The cheapness of cotton, and the improved machinery for converting it into cloth, have made the consumption of this article a test of the abundance or deficiency of clothing in a country.

Mr. Porter tells us that the quantity of cotton-wool retained in England for home consumption averaged in the five years from 1837 to 1841, 426,123,688 lbs., being  $16\frac{1}{2}$  lbs. per head for a population of 26,000,000. The fluctuations in the quantities imported within that period were considerable: in 1839 the imports did not exceed 386,396,559 lbs.; in 1840 they amounted to 592,488,010 lbs.

The quantity of cotton-wool consumed in the states of the German League has also fluctuated, but has progressively declined since Dr. Bowring made his report. The following is the statement of the imports and exports of this article given by M. Dieterici:—

	Imports. cwts.		Exports. cwts.		Retained for consumption. cwts.
1837.	240,315	.....	35,929	.....	204,386
1838.	229,337	.....	49,410	.....	179,927
1839.	182,285	.....	45,819	.....	136,466



The average quantity retained for consumption is 173,593 cwts., which is reckoned to yield 157,812 cwts. of yarn. The imports and exports of twist, yarn and wadding in the same years were as follows:—

	Imports. cwts.		Exports. cwts.		Consumption. cwts.
1837.	328,748	.....	44,964	.....	283,784
1838.	370,374	.....	47,425	.....	322,949
1839.	368,161	.....	61,051	.....	307,110

The average importation of (untwisted) yarn is 319,045 cwts., so that the quantity produced in the German League by all the spinneries does not amount to one-third of the annual demand of the weavers and printers. It is, however, on the plea of protecting these inefficient spinners against the interests of the weavers and other manufacturers, to say nothing of the consumers, that a loud outcry is now made for an increase of the duty on yarn. The increased exportation of cotton in a manufactured state, including hosiery and tapes, etc., shows how much the weavers would be sufferers by having to pay dearer for yarn. Manufactured goods were exported as follows:—

	Imports. cwts.		Exports. cwts.		Excess of Exports. cwts.
1837.	15,345	.....	75,193	.....	59,848
1838.	16,855	.....	88,001	.....	71,146
1839.	16,321	.....	100,766	.....	84,445

The observation which Dr. Bowring's report elicited from us is proved by this statement to have been correct. We looked upon the increase of the early processes of manufacture in Prussia and the states of the League as unlikely to be accompanied by an increased domestic consumption. If we deduct from the total imports of 1836, which amounted to 515,849 cwts., the total exports of that year, being 179,613 cwts., we have 336,236 cwts. left for home consumption. In the three years from 1836 to 1839, the imports averaged 589,047 cwts., and the exports 182,152 cwts., leaving 406,195 cwts. for home consumption. The increase here observable in the consumption is consequent upon an increased importation of 40,000 cwts. of yarn as compared with 1836, and the decrease in the importation of raw cotton which has been

noticed. 406,195 cwts. give, as the consumption of 26,000,000 souls, 1·7 lb. per head.

The importation of cotton-wool into Austria has of late years progressively increased. In 1835 it amounted to 15,580,000 lbs.; in 1838 it reached 23,957,000 lbs. The prohibitive duties prevent any introduction of cotton piece-goods or hosiery, except through the agency of smugglers; but a considerable quantity of twist is imported regularly. In 1838 the imports and exports were as follows:—

Imports :—Cotton wool .....	23,957,600 lbs.	
„ yarn .....	5,776,600 „	
		29,734,200 lbs.
Exports :—Cotton wool .....	91,500 lbs.	
„ wares .....	453,700 „	
„ yarn & thread, 121,200 „		
		779,600 lbs.
Remained for consumption .....	28,954,600 lbs.	

This quantity, divided amongst a population of 35,000,000, gives ·8 lb. as the annual consumption per head. It is perhaps not too much to assume, that through smuggling the quantity of cotton wares consumed in Austria is brought up to the amount of the consumption of the German League. In 1840 the importation of raw cotton increased to 36,323,000 lbs., and that of yarn to 8,000,000 lbs.

The state of the cotton manufacture in France is adapted to awaken serious reflections in every thinking mind. The importations were for 1840 and 1841,—

1840.	Value.
Raw Cotton .....52,492,000 kilogrammes .....	94,006,000 francs.
Twist.....	1,575,000 „
1841.	Value.
Raw Cotton .....55,870,000 kilogrammes .....	98,550,000 francs.
Twist.....	1,575,000 „

The exportations in the same years were,—

1840.	Value.
Cotton stuffs .....4,340,000 kilogrammes.....	108,500,000 francs.
1841.	Value.
Cotton stuffs .....4,365,000 kilogrammes.....	104,700,000 francs.

The high value of the quantity exported is very remarkable.



The piece-goods entered by the yard as exported from Great Britain in 1840 are estimated to have weighed 229,779,422 lbs., and were valued at £16,578,040, being at the rate of 1s. 5½d. per lb., or 3½ francs per kilogramme. The French valued their exports in 1841 as follows:—

	Kilogrammes.	Value.
Toiles et percales (calicoes)...	713,386 at 15 francs.	10,700,790 francs.
Teints et imprimés (prints)...	3,428,208 at 26 „	89,133,408 „
Cirés (waxcloth) ... ..	5,250	41,250 „
Mouchoirs (handkerchiefs) ...	461,752 at 26 „	12,005,552 „
Muslin	274,299 at 30 „	8,228,970 „
Tulle et gaze (bobbinet) .....	74,129 at 200 „	14,825,800 „
Other stuffs .....	{ 239,359	4,294,158 „
	{ 74,907	599,256 „

The value at which their exports are estimated by the French is therefore 26½ francs per kilogramme.

England is a considerable consumer of all the high-priced articles, and it is likely that in the circles where a refined taste in dress prevails the French have an exclusive preference. The same appears to be the case in many open markets in which we compete with them on equal terms, such as the United States, Italy, Brazil, the West Indies and Germany. The cost of carriage to many of these countries is not greater from England than France. Indeed, nothing but the demand for their finer wares and more tasteful patterns could have increased the direct trade between France and the United States to its present extent. The exchange of raw cotton for French wines, if advantageous in one respect to France, is doubly so in another, because we see that this raw material is re-exported, at an enormously increased value, to the country which produced it. Spain, Belgium and Switzerland are not amongst the countries in which we can compete on equal terms, and we are inclined to think that much of the trade of France with those states depends upon the activity of smugglers; at least it would be difficult to explain the large exportation of plain calicoes at 15 francs per kilogramme, or £2: 8s. per piece, and of prints valued at 26 francs per kilogramme, or £2: 5s. per piece, which we see noted to Spain, in any other way than by the evasion of a high import-duty. The official specification of some of the exports in 1840 is as follows:—

*Muslin, 274,299 kils. at 30 francs.*

Belgium.....	27,750 kils.
United States .	41,722 „
Cuba .....	66,940 „
S. America & }	
W. Indies }	15,448 „
England.....	3,895 „

*Bobbinet 47,129, at 200 francs.*

Switzerland .....	15,057 kils.
Sardinia .....	14,867 „
Spain .....	5,539 „
Cuba .....	4,698 „
Brazil .....	2,982 „
England .....	1,437 „

*Prints, 3,428,208 kils., at 26 francs.*

Spain.....	826,176 kils.
Italy .....	306,930 „
United States .	289,369 „
Germany .....	212,113 „
England.....	198,220 „

*Plain Calicoes, 713,386 kils. at 15 frs.*

Spain.....	209,903 kils.
Switzerland ..	127,388 „
Italy .....	28,002 „
England.....	28,296 „

*Handkerchiefs, 461,752 kilogrammes at 26 francs.*

Spain.....	162,535 kilogrammes.
England.....	31,301 „
United States .	21,633 „

France is therefore secure in the command of foreign markets for her fine and tasteful articles. Even in England the superiority of some of her manufactures is recognized: nor should the hint thus given us of the value of sound education be lost. We see however nothing in this to provoke commercial jealousy, and still less any reason for restrictions on trade. The consumption of fine goods must be limited: the trade of France though profitable is small, and the sole condition of extending it is a reduction in the price of these articles. This would be best promoted by encouraging an influx of cheap colonial goods for the food of labourers, of cheap wares for their clothing, and of machinery or cheap materials for making it. The country that supplied these wants in the greatest proportion would be the best disposed to take the refined productions in exchange; and the French principle of preferring high profits with small returns, to large investments yielding a small amount of gain, would remain undisturbed. It must also be evident that a trade in high-priced articles with England would be more profitable than with any other transmarine customer, on account of the rapidity with which the quickness of the return would enable the French manufacturer to turn his capital.

Belgium imported, in 1841, 7,837,640 kilogrammes of cotton-wool, and 52,531 kilogrammes of twist. Of the former,



197,673 kilogrammes were exported, leaving for consumption and manufacture 6,936,742, almost as much as the states of the German League required in 1839. The export of twist amounted to 66,200 kilogrammes, that of cotton-stuffs to 566,346 kilogrammes; exceeding by a little the quantity imported, which was 439,823 kilogrammes. The importations of cotton goods in Belgium are, as in France, independent of the exports. Finer goods than are produced in this country are brought from France, and coarser wares from England. It seems that for such goods as the state of industry allows the Belgians to manufacture, they find not only a home market with the aid of protection, but a foreign sale without it.

**FLAX.**—It is difficult to determine the consumption of flax, on account of its forming a portion of the domestic products of all European states. According to M. Dieterici, the German League imports little or no flax. The results of the trade of the German League in linen-yarn and linens for the three years 1837–1839 were as follows:—

	Excess of Imports over Exports.	Exports over Imports.
Linen-yarn.....	7,205	—
Do. bleached and dyed.....	2,527	—
Thread.....	4,983	—
Grey packing-cloth.....	—	31,003
Coarse cloths, drills, etc. ....	8,670	—
Bleached and fine ditto.....	—	78,853
Tapes, cambrics, etc. ....	—	6,352
Lace.....	—	63
	23,385 cwts.	116,271 cwts.

The exports therefore exceed the imports by 92,886 cwts. in this very natural branch of industry; in which, however, spinning by machinery threatens to make a serious change, unless the cheap machine-spun yarn is admitted at a moderate duty.

If five yards of piece-goods be estimated to weigh 1 lb., the 89,373,431 yards which were entered for exportation in Great Britain in 1840 equalled 159,595 cwts. This does not include the tapes, threads, etc. The quantity of foreign linens retained for home consumption was very considerable in the same year, but the complicated nature of our tariff and the insufficiency of the statistical details prevent our

giving a just survey of this branch of trade. From Germany we received 32,640 pieces and 61,714 square yards, which were all re-exported, principally to South America. A further importation entered by value is noted to the amount of £1329.

Prussian Silesia and Saxony are the seats of the fine-linen manufacture, where damasks especially are produced of very superior quality. The Austrian returns do not show so great an exportation of fine qualities of linen wares as those of the German League. Only 89,700 lbs. are entered under this head in 1838, the quantity of other kinds having been 4,900,000 lbs. The imports of linen wares into Austria are inconsiderable. The trade in linen-yarns has already experienced in Austria a considerable revolution, as the following imported quantities evince:—

	Unbleached Linen-yarns.		Bleached.
1829 .....	36,367 .....		3,132 lbs.
1831 .....	69,148 .....		6,303 „
1833 .....	748,265 .....		31,141 „
1837 .....	1,352,300 .....		24,900 „
1838 .....	1,603,300 .....		25,500 „

The exports of yarn in the year 1838 were,—bleached, 219,000 lbs., unbleached, 260,000 lbs.

X The quantity of flax grown in Belgium is estimated at 18,000,000 kilogrammes, of which 5,000,000 were exported in 1841 in the raw state. Of the remainder, two-thirds are exported manufactured, and one-third, or about 4,330,000 kilogrammes, remains for home consumption, giving about 2 lbs. per head.

The linen trade of France is also calculated to throw light upon the grand question of national intercourse. The consumption of foreign hemp and flax before the threatened rise of the duty did not vary much. The importation in 1836 was 8,581,527 kilogrammes; in 1840 it was 9,070,512 kilogrammes. The importations of linen-yarn, on the other hand, increase enormously: they were in 1836 only 2,781,268 kilogrammes, valued at 12,035,059 francs; whereas in 1840 they were 6,932,245 kilogrammes, valued at 27,890,444 francs. Of this quantity, 5,480,082 kilogrammes, or more than five-sixths, were furnished by England, at the low prices of 1½ and 5 francs per kilogramme, or 2 lbs. weight. About one



million pounds were also imported from England at 6 and 7 francs per kilogramme. France imported from Belgium nearly all the remainder, at prices ranging from 5 to 40 francs. The increased duty which comes into operation in the present year is directed against England, on the obsolete ground of argument, that the English spinners are robbing the manufacturers of France. Belgium is treated exceptionally; and, on the condition of taking French wines at a low duty and excluding foreign yarn, her yarn is admitted at the old duty. As the Belgians are better able to increase their spinneries than the French are to erect new ones, it is not easy to see what profit the French manufacturers expect from this arrangement.

The loss that will accrue from a rise in the price of the half-manufactured material will be best appreciated from the statement of the trade in woven fabrics. In 1831 France imported 4,572,013 kilogrammes of cloths, valued at 21,423,067 francs, or at about 4·7 francs per kilogramme. The exportations in that year were 1,830,510 kilogrammes, valued at 41,180,065 francs. It must appear strange that the French should be dissatisfied with a trade so manifestly profitable, and should prefer diverting any of their labour or capital from so remunerating an occupation as weaving to the erection of spinneries, which have to contend with those of Belgium and England at the prices given above. This view of the trade will, we trust, encourage our weavers to study the means of increasing the quantity and quality of their fine linens, which must clearly be able to exclude French linens from foreign markets, if the French are obliged to use dearer yarn than they have hitherto had. Nor is this suggestion without weight, now that a market in China is open, where cambrics and lace may find a sale, although linen-cloths do not. The returns respecting lace are too strange not to lead us to suspect that they betray the influence of smuggling. In 1840 England exported to France (where the duty is only 5 per cent.) lace to the value of 2,525,127 francs, and imported thence, in the regular way, to the value of 791,415 francs only. The English duty is 10 per cent. *ad valorem*; but as the importation would doubtless be confined to high-

priced laces, the proportion is more than double against France and against our own custom-house.

WOOL.—In the absence of all authentic details respecting our home production and manufacture of wool, Mr. Porter gives us no calculation of the probable consumption. Mr. M'Culloch, in his new Geographical Dictionary, estimates the produce of England and Wales at 470,000 packs, of 240 lbs. each, or 112,800,000 lbs. For Ireland and Scotland the Dictionary gives no estimate, but the produce will assuredly not be overrated at 48,000,000 lbs. This would make—

	lbs.	lbs.
The home production .....	160,000,000	
Imports averaging .....	50,000,000	
	<hr/> 210,000,000	210,000,000
EXPORTS.		
Sheep and lambs' wool .....	4,810,387	
Woollen and worsted yarn .....	3,796,644	
Piece-goods, 2,000,000, at 8lbs. per piece ...	16,000,000	
Goods, 8,163,643 yards .....	1,250,000	
Hosiery and small wares .....	1,250,000	
	<hr/> 27,107,031	
Waste on exported manufactures .....	2,892,969	
	<hr/> 30,000,000	30,000,000
		<hr/> 180,000,000

This quantity, for a population of 26,000,000, gives an average home consumption of 6·9 lbs. per head.

X In Prussia the cattle are regularly enumerated; but M. Dieterici, in his last work, gives the return for 1837 only:  
 X at that time 15,011,452 sheep formed the stock of Prussia. At the weight of wool taken by Mr. M'Culloch, this number of sheep would yield upwards of 60,000,000 lbs.: M. Dieterici, however, assumes only 22 lbs. of wool as the yield of ten sheep, and his estimate of production does not exceed 33,025,194 lbs. Thus for a population of 14,098,125, the one estimate gives 2·34 lbs. per head, whilst the other gives 4·3 lbs. As more pains are taken in Germany to improve  
 + the breeds for the sake of the wool than in England, where the carcase is more saleable, it is possible that both estimates may be nearly correct. Perhaps the consumption of Prussia may be in the proportion of one-half to the consumption per



head in England. This, in our view, would prove very strongly the erroneous policy adopted by Prussia of excluding our coarse manufactures, and by ourselves, of throwing difficulties in the way of the introduction of fine wares from Germany. The transit of wool through Prussia from Russia and Austria is very considerable; this wool goes both to Belgium and to England. The quantity sent in transit averaged in the three years from 1836 to 1839, 121,759 cwts. Prussia exported in the same years, annually, 16,568 cwts. more than it imported.

+ Wool is likewise a most important agricultural product of Austria, but there are no satisfactory materials for an estimate of the annual production, on account of the conflicting statements that are given of the yield of Hungary. The export of wool in 1838 amounted to 16,487,200 lbs., and that of woollen wares to 3,008,300 lbs., of which 63,000 lbs. were shawls. No doubt the exportation of fine wools from Hungary would very much increase, if there were some cheaper mode of transport to England and Belgium than that incurred by the land-carriage to the coast of the German Ocean. The home consumption of wool in Austria cannot be less than in Prussia.

The importation of wool into France has considerably increased. In 1840, 13,456,000 kilogrammes, and in 1841, 20,345,000 kilogrammes, were imported, of the values of 30,000,000 and 46,000,000 francs. The exports in the two years were,—1840, 2,325,000 kilogrammes; 1841, 2,512,000 kilogrammes, valued at 60,000,000 and 64,000,000 francs respectively, averaging nearly 26 francs per kilogramme. England is amongst the best customers of France for fine woollen products, as the following statements show:—

*Carpets exported at 25 frs. per kil.*

England .....	10,782 kil.
Sardinia .....	6,587 „
Switzerland .....	9,716 „
Other countries .....	17,506 „
	<u>44,591 „</u>

*Cloth exported at 27 frs. per kil.*

Italy .....	256,775 kil.
Turkey .....	125,930 „
S. America .....	100,363 „
Spain .....	58,920 „
England .....	18,355 „
United States .....	17,716 „
Other countries .....	298,065 „
	<u>876,124 „</u>

<i>Kerseymeres &amp; Merinos at 47 frs. per kil.</i>		<i>Various Stuffs at 26 frs.</i>	
United States .....	62,906 kil.	United States.....	125,541 kil.
England .....	57,079 „	Spain .....	109,483 „
Spain .....	45,903 „	England .....	51,520 „
Other countries .....	152,603 „	Other countries.....	288,540 „
	318,491 „		575,384 „

We find here, as in the case of cotton, the testimony borne to French taste and skill, not only in the open markets of Europe and America, where the French goods meet ours, but in England itself; we trust that it is equally clear that this position of the French manufacturer can in no way be endangered by any abundance of blankets, flannels, serges and coatings with which we can furnish his labourers. Of 2,053,645 kilogrammes of woollen piece-goods exported from France in 1840, only 238,955 kilogrammes were under the value of 25 francs per kilogramme. It is not easy to understand why our neighbours should not rather desire to extend the production of these fine fabrics than to take up cheaper ones. Now we believe it will be admitted that, to encourage a cheap supply of low-priced products, would be the surest way to urge the manufacturers to refined productions. The value of the shawls exported in 1840 averaged 143 francs per kilogramme, of 2 lbs. weight: the acknowledged superiority of France in this article is, therefore, well remunerated: the shawls averaged upwards of four guineas each.

**SILK.**—This is an article of industry which attracts peculiar attention, from the success which has attended the experiment of throwing our trade open to competition, at least to a certain extent. While our exports of manufactured silk, which in the four years, from 1831 to 1834, averaged 620,792*l.* of declared value, rose in the six following years to 805,273*l.*, our legal as well as our contraband importations from France have rapidly increased. A curious table communicated by Mr. Porter throws some light upon the extent of smuggling still carried on in silks:—

Years.	Exports from France to England.	Entered at English Custom-houses.	Centesimal Proportions.	
			Entered.	Not entered.
1827 .....	224,880 lbs. ....	104,040 lbs. ....	46·26 .....	53·74
1841 .....	624,269 „ .....	254,120 „ .....	40·70 .....	59·30

Silk affords another instance of a consumption limited by the want of a sufficient supply of the raw material. As the



consumption of silk, notwithstanding the rapid increase in the production of cotton, wool and flax, has augmented with a rise in price, it may be inferred that it is capable of a much greater extension. The quantity of raw and waste silk imported varies of course with the nature of the crop from year to year. The imports into Great Britain amounted in—

1838	to	4,404,354 lbs.	} Average.
1839	to	4,788,738 „	
1840	to	4,459,542 „	
			4,550,818 lbs.

Thrown silk averaged in the same years 259,897 lbs.

No great increase is observable in the quantity of silk retained for home consumption since the opening of the trade in 1835; still there is some increase. The imports of manufactured goods from European ports rose from 183,813 lbs. in 1834, to 291,041 lbs. in 1841. Of the goods thus imported, the exports in the former year were 16,115 lbs., and in the latter year 46,853 lbs. The exports of home-made silks had increased in the interval, as has been stated above.

The average quantity of raw silk imported into the states of the German League in the three years 1837–1839 was 662,310 lbs., of which 37,740 lbs. were re-exported. The excess of exports over imports in manufactured and half-manufactured wares is further stated at 448,360 lbs. The quantity retained for consumption, therefore, together with dyed and bleached silk imported (790 cwts.), amounted to 245,500 lbs. when reduced to the manufactured state.

X Austria, as a silk-producing country, exports to the other manufacturing states, especially to Switzerland, Germany, France and England. The total quantity of raw, spun and dyed silk exported to foreign countries in 1838 was 2,964,500 lbs. The importation from adjacent countries amounted to 185,000 lbs. The quantity of silk wares exported was 87,800 lbs., while 16,300 lbs. were imported. There are no materials to show the internal consumption of the empire with exactness; it must be considerable, for the production was estimated some years ago at 5,050,000 lbs. The difficulty is increased by the circumstance, that the foreign Italian silk which passes in transit through Lombardy is included in the official returns of the exports, and that a considerable smuggling trade is fostered

by the high duty levied on the goods of the fair trader. M. Czoernig estimates the quantity smuggled at not more than 6 per cent., but he does not state on what grounds this opinion is based.

The returns of silk exported from Lombardy, which are annually published by the government of that province, differ from the general statement which we have given, because they include the quantities sent to the other Austrian provinces. These returns with the market prices are a most interesting document, proving the truth of the remark which we have hazarded as to the possibility of greatly extending the cultivation or importation of silk.

The exports from Lombardy to the rest of Europe were as follows:—

1825	libre	3,469,475 (lbs.)
1826	„	2,567,418 „
1827	„	3,837,982 „
1828	„	4,248,366 „
1829	„	4,194,215 „
1830	„	4,269,342 „
1831	„	4,338,534 „
1832	„	4,530,555 „
1833	„	6,164,150 „

M. Czoernig gives the following details of the increased production in the single district of Cremona:—

	1815.	1835.
Cocoons produced .....	3,828 cwts. ....	11,488 cwts.
From these the silk }		
spun amounted to } ...	77,176 kilogr. ....	190,088 kilogr.
Value of cocoons.....	720,059 lire .....	5,555,697 lire.
Do. of silk .....	2,146,098 „ .....	12,811,303 „

The increase in the value is explained by the remarkable advance in the price of the raw material which the same returns evince. The *libra grossa* of Milan = 7625 kilogrammes, was worth in the ten years' averages as follows:—

1800-9 .....	55 $\frac{7}{10}$	Soldi di Milano.
1810-19 .....	81 $\frac{3}{10}$	„ „
1820-29 .....	69 $\frac{3}{10}$	„ „
1830-33 .....	63	„ „
1834 .....	84	„ „
1835 .....	91	„ „
1836 .....	120	„ „



The English prices have fallen a little since 1839, in consequence of the dullness of trade, but are still 50 per cent higher than those of 1830.

	China (Tsat).				Bengal.				Italian & Cocoons.					
1830 ...	14s.	to	15s.	Od.	...	10s.	Od.	to	12s.	Od.	...	17s.	to	19s.
1836 ...	22	„	25	0	...	14	6	„	18	0	...	25	„	26
1837 ...	21	„	23	0	...	16	0	„	20	0	...	26	„	30
1838 ...	21	„	23	0	...	16	0	„	18	6	...	25	„	26
1839 ...	24	„	25	0	...	18	6	„	21	0	...	25	„	27
1840 ...	25	„	26	6	...	18	0	„	21	0	...	23	„	25
1841 ...	23	„	25	6	...	15	0	„	20	0	...	21	„	24
1842 ...	21	„	21	6	...	14	0	„	19	0	...	21	„	23
1843 ...	21	„	21	6	...	11	0	„	20	0	...	21	„	23

The quantity of silk manufactured in France very much exceeds that manufactured in England. In 1840 the quantity of foreign silk of all kinds retained for consumption in France was 2,134,487 kilogrammes. The official return of the production of silk in France for 1835, given in Mr. M'Gregor's recent work, estimates it at 876,016 kilogrammes: it probably now exceeds one million kilogrammes. The exports of silk manufactures in 1840 amounted to 1,665,685 kilogrammes, valued at 192,000,000 francs, being 155 francs per kilogramme, or about 48 shillings per lb. Mr. Porter calculates that the silk manufactures of England average 60 shillings per lb. Perhaps the difference is explained by the duty on silken goods being charged on the value in the countries that import the greatest quantities from France. The imports of manufactured silk were 455,703 kilogrammes, chiefly from England, Italy, Switzerland and Holland. Whether the silken wares that find their way to France through Holland and the Hanse Towns are of English production or not, it is impossible to say. France imported from Holland in 1840 upwards of 76,000 kilogrammes of manufactured silks. The quantity of raw, thrown and dyed silk exported from France in 1840 was 1,102,289 kilogrammes, which, if added to the manufactured wares exported, makes in all 2,767,974 kilogrammes. The home consumption of France, if some allowance be made for smuggling from Italy and Switzerland, may be estimated at about 500,000 kilogrammes.

England is, after the United States, the best customer that France has for French stuffs. We imported in 1840—

Plain stuffs.....	129,857 kilogr., valued at 120 francs.
Pattern do.....	28,968   "   "   130   "
Embroidered with bullion	5,654   "   "   —   "
Do. other metals .....	15,798   "   "   —   "
Gauze.....	7,147   "   "   80   "
Ribbons.....	91,530   "   "   120   "

The manufacture of silk in Belgium is in its infancy, but is progressing. The quantity of raw silk imported in 1838 did not exceed 12,854 kilogrammes. In 1841 there were 27,364 kilogrammes, of which however 14,800 were re-exported.

IRON.—If the discrepancy in the quantities of various articles of direct consumption for food and clothing, used in neighbouring lands, is calculated to excite surprize, the various supplies of iron must astonish indeed. Considering the zeal with which the pursuit of wealth is now followed in every country, it appears incredible that so important an instrument in its production should anywhere be deliberately rejected.

Mr. Porter tells us that the quantity of British iron produced in 1841 amounted to 1,500,000 tons. In the same year, 17,653 tons of foreign iron were used. The quantity retained for home consumption amounted to 1,139,111 tons, or 22,700,000 cwts. for a population of 26 millions.

The production of iron in Prussia is thus specified by M. Dieterici for 1839:—

Raw iron.....	1,630,049 cwts.
Cast iron .....	643,276   "
Forged iron.....	1,355,466   "
Raw steel .....	100,526   "
Sheet iron .....	100,159   "
Iron and sheet wire .....	79,272   "
	3,918,748 cwts.
Imported in 1839 above the exports...	246,174   "
	4,164,922 cwts.

There was retained for consumption, therefore, amongst 14½ millions of inhabitants, about 32 lbs. per head. In Prussia



and the states of the German League, pig-iron is admitted free of duty, while bar-iron pays a duty of 3*l.* per ton. This small consumption strongly proves that the means of working iron in Germany are wanting more than the raw material. The importation of raw iron into these states averaged but 244,110 cwts. in the years 1837-1839, while of bar and rod-iron rails, and cast steel, 291,508 cwts. were imported.

With a protecting duty of 18*l.* per ton, it is more surprising that any importation of coarse iron wares should take place, than that it should not exceed 26,684 cwts. Of this description of goods, 98,195 cwts. were exported. Of a finer kind of wares, protected by a duty of 30*l.* per ton, the exportation averaged in the three years 13,444 cwts. These wares consist chiefly of the cutlery of Solingen on the Lower Rhine, where the long-known quality of the ore has established a branch of manufacture of old and deserved reputation. The fact of the exportation which here takes place, instead of showing the necessity of a protecting duty, appears to us to illustrate its needlessness. If these goods find a foreign market, they can of course be produced nowhere cheaper than in Prussia; whereas the prohibitive duty excludes a number of tools and instruments of industry, which must tend to render labour in Germany as unproductive as we know it to be. Ploughs, harrows, hoops, scythes and sickles are included in the list to which the duty of 18*l.* per ton applies. Carpenters' and other workmen's tools, locksmiths' and cutlers' work and machinery, are taxed at 30*l.* per ton. Yet with these duties the ironmasters in Germany (perhaps rather the owners of forests) are clamorous for more protection!

The production of iron in Austria is stated officially to have amounted in 1837 to \*—

Pig iron.....	1,890,836 cwts.
Cast iron .....	218,390 „
	<hr/>
	2,109,426 cwts.
Hungary .....	500.000 „
	<hr/>
	2,609,426 cwts.

The owners of iron-mines in Hungary dispute the claim

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\* See the British and Foreign Review, Jan. 1839.

of the crown to levy tithes on their produce, and they make no returns. Within a few years the spread of railways in many provinces of the empire has occasioned great exertions on the part of some iron-founders, and the production is perhaps now rather above than under 3,000,000 cwts. The importation was in 1838—

Raw and old iron.....	12,919 ..
Bar iron .....	45,767 ..
Other kinds .....	2,600 ..
Total of production and imports ...	3,061,286 cwts.
Exports in 1838 .....	262,167 ..
	2,799,119 cwts.

This quantity divided amongst 35,000,000 inhabitants gives a fraction less than 8 lbs. per head.

It is to protect this deficient supply of an indispensable requisite for industry that the Austrian tariff loads foreign manufactured iron with duties amounting to 11*l*., 12*l*. and 19*l*. per ton, according to the quality of the wares. The same remarks apply to the Austrian as to the Prussian imported goods. Amidst the inexhaustible stock of the raw material which the Austrian mountains in every part contain, the most remarkable portion is the ore which, like that of the district of Siegen, near Solingen, produces native steel. Of this splendid material articles of the commonest necessity are made in the country. Nails and ordinary wares may be bought at Vienna of a temper and quality that would vie with many a Sheffield blade; and bar and rolled steel is exported at a high price into neighbouring countries, confessedly superior to anything of the kind sent from any other land. Unhappily, in the want of articles of primary necessity which exists in Austria, this fine ore cannot all be applied to a better and more remunerating use. The celebrated Danne-mora mine in Sweden is the only one which yields ore of so fine a description, and we know that neither pots nor pans, nails nor rails, are made of its produce. Yet out of a material equally fine, or perhaps better, not only culinary articles, but even rails are manufactured in Austria. At Vienna may be seen a chain hanging-bridge made of steel,—the only one in the world!



In France, as in England, the actual quantity of iron manufactured can only be guessed at, as the official returns show merely the quantity of ore raised, without distinguishing the richness in metal.

The quantity supposed to be produced in 1839 was .....	350,000 tons.
The quantity imported in that year beyond the export was...	23,750 „
	<hr/> 373,750 „

Amongst 34,000,000 this quantity gives 22 lbs. per head.

Belgium possessed in 1839, 117 high-blast furnaces, of	
which 69 were at work, and produced .....	88,000 tons.
The exports exceed the imports by about .....	9,500 „
	<hr/> 79,560 „

This gives 38·6 lbs. per head for 4,110,000 inhabitants. The rest of Europe, and the greater part of America and Africa, are mainly dependent for their supplies of iron upon these five countries, whose exertions have to render the labour of 230,000,000 souls profitable in Europe alone. It is therefore, to say the least, a very amusing fact, that the iron-masters everywhere should be terrified at the result of their exertions, which are but dwarfish in comparison with the gigantic nature of the demand.

There can be no doubt in the mind of any observing traveller, that the difference of aspect presented by the various countries of Europe at the present day is of artificial origin. If we find the peasantry of one country worse dressed or worse provided with food than the peasantry of any other country, there can be no other reason assigned for the fact, than that impediments to communication prevent the needy from receiving supplies. The higher classes, who have the means of overcoming these difficulties, everywhere present the same external appearance. The legitimate channel, therefore, for the employment of capital in Europe is at present that of providing means of communication by land and by water. Where manufacturing or other profits are high enough to abstract the capital from this natural investment, the gains of the manufacturer are a national loss. If the French, Germans, Austrians or Russians wish to be powerful at sea, or to lay a foundation for a future foreign trade, let them beware of an artificial commercial legislation. When the chan-

nels of communication are opened, trade will soon flow into them, and bring power by introducing wealth.

Upon the same principle, railroads are a more formidable means both of attack and of defence than fortresses. They reduce war to the mere hostile aggression of an injured party on some unguarded isolated spot, when a powerful necessity of asserting the national dignity occurs. No coalition could now raise a disposable force sufficient to conquer any country whose population possessed the power of ubiquity conferred by railroads. The means of competition in industrial occupations offered by facilities of communication are likewise the best safeguards against the internal discontent which preys on the vitals of so many states. Classes which feel that they have the power of improving their social condition, are naturally indignant at the restrictions to which they are now obliged to submit. Liberty of exertion is felt to be the grand source of production, and it will soon be acknowledged that its fruits are multiplied by exchange.

A careful comparison of the figures we have noted down, to show the actual supply of different articles, must lead to the same conclusion. The supply is in general miserably deficient, and this fact points with irresistible force to the waste or unproductive use of intellect and power to be traced in nearly every country. We subjoin two tables,—one showing the distribution of the present supply of a few articles in the consumption of different countries. From this statement the second table is drawn up, which gives an estimate of what the consumption would probably be if legislation were so as to permit the supply to be obtained.

Present Supply.							
	Beer.	Spirits.	Wine.	Sugar.	Coffee.	Tea.	Tobacco.
	Gallons.	Gallons.	Gallons.	Cwts.	Cwts.	Cwts.	Cwts.
England.....	680,000,000	24,106,407	5,582,385	*4,180,000	272,900	*366,676	222,803
France .....			*920,000,000	2,550,000		9,870	*500,000
Germ. League.....			65,245,068	1,330,000	570,294	2,800	
Prussia .....	370,000,000	16,547,988					401,000
Austria, 10 Provinces } .....			140,425,000	560,000			135,000
Belgium.....	*217,300,000	*10,000,000	8,500,000	294,000	*300,000	750	



Present Demand.		Estimated Consumption per Head.					
	c. 37 Gals.	c. 2½ Gals.	c. 10 Gals.	c. 20 lbs.	7 lbs.	1½ lb.	2 lbs.
				Cwts.	Cwts.	Cwts.	Cwts.
England . . . .	1000,000,000	67,500,000	270,000,000	*5,400,000	1,890,000	*400,000	540,000
France . . . . .		85,000,000	*920,000,000	6,800,000	2,380,000	510,000	*680,000
Germany . . . . .		67,500,000	270,000,000	5,400,000	1,890,000	400,000	540,000
Prussia . . . . .	1000,000,000	35,000,000					
Austria . . . . .	1278,000,000	85,000,000	400,000,000	6,800,000	2,380,000	510,000	680,000
Belgium . . . . .	*217,300,000	*10,000,000	420,000,000	848,000	*300,000	63,000	84,000
Russia . . . . .		150,000,000	600,000,000	12,000,000	4,200,000	900,000	1,200,000
Rest of Europe . . . . .		125,000,000	500,000,000	10,000,000	3,500,000	750,000	1,000,000

The asterisks in these tables show the actual consumption of some one country in which the fiscal regulations do not interfere with the supply at a moderate price. The probable demand in every country in Europe is then calculated at or below the amount thus found. The probable demand for beer is estimated at the present rate of consumption in Belgium. Wine is calculated very much below the consumption of France. Tobacco is estimated at what France would probably consume with moderate duties, or England if the ridiculous excise regulations did not deprive our landowners of so remunerating a crop; it is stated below the actual consumption of Prussia. Similar tables might be drawn up to show the consumption of manufactured goods, in which case the deficiency in the supply would be far more striking.

We trust that the very simple statement of facts here produced, upon data supplied by the recognized authorities of every country, will tend to open the eyes of governments as well as of producers and manufacturers, and lead to the adoption of an enlarged and more liberal fiscal policy.

## ARTICLE V.

*Négociations relatives à la Succession d'Espagne sous Louis XIV., ou Correspondances, Memoires et Actes diplomatiques concernant les prétensions et l'avènement de la Maison de Bourbon au trône d'Espagne. Accompagnés d'un texte historique, et précédés d'une introduction par M. MIGNET.* 4 vols., 4to. Paris, 1835 et 1842.

WE have no hesitation in assigning to these volumes a very conspicuous place amongst the recent contributions to historical literature. As a collection of state-papers they are of matchless interest; whilst the care with which the despatches have been selected, and the style of the eminent historian who has interwoven them in a regular narrative, relieve the series from that prolixity and redundancy which almost invariably repel the general reader from a collection of the 'materials for history'. The work must be regarded as the most authentic and the most animated political record of the reign of Louis XIV.: from the abundance and importance of the documents, now first made public from the archives of which M. Mignet is the official guardian, it combines the novelty of contemporary narrative with the gravity of critical history; and it illustrates the policy of the cabinet with as much accuracy and vivacity, as the pen of St. Simon has imparted to the annals of the court.

The succession of Spain, or in other words the spoliation of that crown, which tottered for forty years on the head of an impotent prince,—the last and weakest of his enfeebled race,—was the one great motive which directed the whole reign of Louis XIV., in his wars, in his councils, by his ambassadors, his ministers and generals, in his alliances and in his declarations of hostility. That was the "fixed mark" of his ambition, to which all the force and fraud, the wisdom and the falsehood of his long reign tended. That indeed was the all-important question, whose solution and whose consequences extended over nearly fourscore years of the most eventful period of the history of modern Europe, and which successively called forth the energy and the craft, the valour and the intrigues of Mazarin and Don Louis de Haro, Lionne



and de Witt, Louis XIV. and William III., Turenne and Condé, Marlborough and prince Eugene, Torcy and Heinsius, the regent of France and Alberoni. With the majority of Louis XIV. this great drama commenced. The various forms which his policy assumed were shaped by temporary circumstances to particular objects; but the general end was invariably the same, from the moment when in the Isle of Pheasants he took the oath of renunciation, which it was even then his intention to violate, to the closing scenes of his life, when he accomplished one of the great objects of his reign, though with diminished glory and declining strength.

It was not however to the succession of Spain, as it was understood after the death of Charles II., that the original views of France were directed in the earlier years of the reign of Louis, and in the politic schemes of the great statesmen of the seventeenth century. The establishment of a Bourbon dynasty on the throne of Madrid was the result of events which were not foreseen when the curious diplomatic operations recorded in these volumes were begun. The advantage sought by France was of a more direct kind. The policy of Louis XIV. at the commencement of his reign was exclusively directed to the aggrandizement of his own territories; and it was to the occupation or conquest of the Low Countries, brought into the imperial house by the marriage of Mary of Burgundy, that he chiefly aspired. Provided he could acquire Spanish Flanders, Louis was willing to leave the kingdoms of Spain, and by far the larger portion of that huge ungoverned empire, to the house of Austria or to any other claimant. But to him the main incentive in the best years of his power was, in reality, the acquisition of what had once been the possessions of the dukes of Burgundy. Above all things he laboured to achieve the yet unaccomplished object of French ambition, and to leave no foreign garrisons between Paris and the Rhine. To this object of paramount national interest, the extension of his power in the south of Europe and even the humiliation of the house of Austria were subordinate; for though other countries might have added the glory of foreign dominion to his sceptre, the acquisition of Flanders could alone have completed the territory of his kingdom.

To all these designs, to all these intricate combinations of passion, artifice and power, the final event of the War of Succession and the reign of Louis XIV. opposed a strange and contradictory result. He succeeded in placing a Bourbon on the throne of Spain, he succeeded in sweeping the Pyrenees from the confines of France, he succeeded in driving the house of Austria from its southern throne; but these successes were accompanied by defeat, humiliation and loss on his own frontier; he was weakened where he had sought to extend his strength; and the Netherlands were annexed to the empire by the same treaties which acknowledged the duc d'Anjou as king of Spain.

It is not, however, to the events of the War of Succession, or to the negotiations which terminated that eventful struggle in which Marlborough had fought, by the contemptible compromise to which Bolingbroke acceded, that we desire to draw the attention of our readers. The state-papers now before us are of a much earlier date; and we are about to trace in the earlier period of Louis XIVth's reign the more secret objects and contrivances of his policy, which have in many remarkable instances been as effectually concealed from the knowledge of the world by the altered course of events as by the fidelity of the agents employed by the French court, until their own account of these extraordinary proceedings passed, in the volumes before us, from the archives of state into the open daylight of history.

We cannot, however, enter upon this vast and wonderful narrative without expressing our admiration of the consummate skill with which M. Mignet has executed his task. Hitherto this work has remained, as it were, secluded from the public in that magnificent collection of historical memorials which are prepared by the munificence of the French government for distribution rather than for sale; but as it advances to its completion,—for it must obviously extend to the peace of Utrecht,—we cannot doubt that in a more accessible form it will take its place amongst the most captivating historical productions of our age. It is no light praise, but a well-earned tribute to the editor of these volumes, that, even by the side of the original compositions of the ministers of the most polished court in that most polished age of French



letters, M. Mignet's own style and his survey of the political elements which he has evoked from the dust of nearly two centuries are not unworthy of the language or the sagacity of the age they are intended to illustrate. The huge mechanism, once worked by hidden and unknown powers, is suddenly set in motion again to satisfy the curiosity of another race. There is the activity of life in every page, and the very uncertainty which attends the march of present events lends an additional charm to this contemporary record of their progress.

Rapid and fearful had been the decline of the Spanish monarchy from the triumph of St. Quentin and the treaty of Cateau-Cambresis to the last and worst stages of humiliation, penury and defeat. Less than a century divided the height of its glory from the depth of its misery and impotence; for such was the period which had elapsed between the entry of Spanish garrisons into Rouen and Paris and the treaty of the Pyrenees, which secured the ascendancy of France, and opened, by the marriage of Louis XIV. to the Infanta, those claims which his perfidy prompted him to assert and his power enabled him eventually to maintain. The ruin of the League had for ever terminated the encroachments of Spain on France; the destruction of the Armada annihilated her designs against England and her fleet; the emancipation of the Low Countries wrung from the most Catholic and absolute court in Europe the recognition of a Protestant republic; and the bigotry of the internal administration of Spain crushed the elements of the strength and prosperity of the country. The errors which Philip II. had learned from his intolerance were persevered in by Philip III. and the duke of Lerma from ignorance. The proscription of the Moriscos completed the extirpation of the commercial population of the peninsula. In the following reign the remnant of the Spanish army was destroyed; a great part of Flanders was annexed to Holland or to France; Portugal was once more severed from the Spanish crown; Naples and Catalonia were in revolt; the state was obliged to borrow a few Genoese galleys to keep up its communications with its transatlantic dependencies; and the population of Spain was reduced to six million inhabitants,—less than half the present number

of the Spanish people, less than one-third of what it had been in the best days of the Arabs at Cordova.

Meanwhile the genius and the power of France had been fostered by men and by events. Henry IV., Richelieu and Mazarin had successively consolidated the internal tranquillity of the kingdom, organized its military and financial resources, and laid the foundations of that vast and ambitious system of foreign policy, which began with the humiliation of the house of Austria at the peace of Westphalia, and ended by its ejection from the throne of Spain at the peace of Utrecht. Such were the precursors of Louis, and such the posture of affairs, when the death of his great minister called the youthful monarch to the exercise of the supreme power. He resolved to devote six hours a day to the affairs of state; he enjoined upon his secretaries of state to sign nothing without his privity and sanction. His mother and the courtiers smiled at a resolution, which they regarded as a youthful caprice rather than the lofty purpose of a ruling mind. He persevered, however, for fifty-four years; and left to the world, even amidst the dissipation of a luxurious court, a memorable example of his own maxims, that to reign is to work, and that the essence of monarchy in its absolute form consists in the untiring activity and the unflinching decision of a king.

If we hesitate before we assent to the addition which the admiration of his courtiers and the pride of his people annexed to his name, it is because, if he was great (to borrow an expression of an accomplished writer), he was only as great as it is possible to be without virtue. These records of his reign exhibit abundant and undeniable proofs of the strong and sagacious policy, the fertile ingenuity, the unbending spirit of a man born to play a foremost part in the drama of history. His policy may have been based on the traditions of his predecessors, and served by the incomparable ability of his own ministers, but the will which sustained and perfected the work was his own. It survived his most faithful servants; it persevered with as much determination, and spoke in as lofty a tone, in the days of terror and defeat as in the midst of his youthful triumphs; and even at the close of a life, which was overclouded by danger, affliction and bigotry, it fell but little



short of the wide designs of his youth. But by the side of such elements of power and greatness, these papers lay bare the most hideous evidence of political profligacy that the world has ever seen in an authentic form; an ambition which knew no bounds; corruption and dissimulation of the most unscrupulous kind; compacts of partition concluded with his hereditary foes and against kindred princes; wars wantonly carried on against confiding allies; and the establishment of a vast scheme by which every state in Europe was made, consciously or unconsciously, to bear a part in the great object of the spoliation of the dominions of Spain.

The precursors of those military campaigns, which were undertaken with such celerity and boldness that they wore the appearance of a boundless impetuosity and a blind ardour for conquest, were negotiations conducted with a prudence, a dexterity and a patience which had secretly undermined the whole political fabric of Europe. The world was startled by such events as the irruption into Spanish Flanders, the war of Holland, the seizure of Franche-Comté and the detention of the duke of Lorraine, because it was ignorant of the all-embracing plan in which these great events were but the passing incidents. For six years, from 1661 to 1667, these diplomatic operations were silently conducted with an energy and a discretion which deserve to rank in the scale of political ability above the triumphs of successful war. Before the death of Philip IV. a negotiation had been opened with Spain to obtain the revocation of the marriage renunciation of Louis, and the admission of what were termed the rights of devolution to the Spanish Netherlands on behalf of the queen. At the same time it was necessary to prepare the Dutch, then closely united to the policy of France, for the pretensions afterwards to be put forward by that power, which were scarcely less formidable to the independence of the neighbouring provinces of Holland than to the security of the vice-regal government at Brussels; and on this point the French court found itself already opposed by the inflexible patriotism of John de Witt. Nor was it less important to prevent, by negotiations at Ratisbon, the Diet of the Empire from extending its protection to the circle of Burgundy; and, by securing the alliance of the ecclesiastical princes on

the Rhine and of the powers of Northern Germany, to oppose an obstacle to the possibility of the emperor's marching to the assistance of Spain, whenever the crisis of invasion should arrive. In like manner, and by the same means, a diversion was prepared in the Peninsula by inciting Portugal to attack the enfeebled court of Spain within its own territories, whilst Louis should wrest from it its northern dependencies. Sweden and England, which were subsequently to become the direct abettors of the encroachments of France, were at present reduced to a state of neutrality by subsidies; and by a masterstroke of policy the emperor Leopold himself was induced to join with France in a secret treaty for the complete partition of the Spanish dominions on the death of the miserable infant, whose precarious life was the only barrier that intervened between Louis and the accomplishment of these vast projects. Feeble as it was, however, that barrier remained unmoved for nearly forty years. The puny child whose hours seemed to be numbered before he mounted the throne in 1665, outlived the century, and baffled by his lingering existence the combinations prepared even before his accession, and based on the imminent probability of his early death. After that event, but not till then, the War of Succession began; and the testament of the last king of the house of Austria favoured the ambition of France. But Louis XIV. was then no longer in the heyday of youth, surrounded by such advisers as Lionne in the cabinet and Turenne in the field: he no longer enjoyed that unquestionable superiority of intellect, resolution and resources over all his contemporaries, which in his earlier years had seemed to throw the whole of Europe into the shadow of the glory of France. The influence of Madame de Maintenon and the services of Chamillart had succeeded to the counsels of such ministers as Lionne, Colbert and Louvois; and he had to encounter in foreign states, not the corrupt servility of the Stuarts, not the debile intrigues of the court of Vienna, but the vigorous and wary character of William of Nassau, and the first-rate military abilities of Marlborough and Eugene. So striking is this contrast between the state of Europe at the time when these negotiations were opened, and at that late period when their consummation was at length effected, that



he who compares even the most brilliant achievements of the reign of Louis with what he might have accomplished if the opportunity, the expected opportunity, had been given him thirty years before, will be struck with grateful amazement at the slight and simple fact—the mere vitality of a prince scarcely able to reign—which kept at bay the intrigues of forty years, and restrained the most aspiring power of Europe within certain bounds until it was too late to exert the supremacy it had so long laboured to acquire.

Little more than a year had elapsed since the marriage of Louis XIV. and the solemn renunciation of all the claims of his wife to the succession of the crown of Spain, when the archbishop of Embrun made his entry into Madrid as the French ambassador at the court of Philip IV. Of the 500,000 gold crowns which were to form the dowry of the queen of France no portion had been paid; and not only from this breach of the stipulations of the marriage contract on the part of Spain, but also from the precarious position of the royal family at Madrid, a party was already formed, even in the cabinet of the minister and in the council of Castille, who looked to the succession of the young king of France. Don Christoval, the private secretary of Don Luis de Haro himself, accosted the archbishop on his arrival with an open assurance that they expected sooner or later to belong to the king of France. The duke of Medina de las Torres held almost the same language. The court of Spain itself hardly seemed to regard the renunciation as valid, and Louis XIV. spoke of it in his despatches as a mere pretence. Even then the *dénouement* seemed to be on the point of occurring. The archbishop prudently refrained from pressing for the open surrender of the renunciation, or the payment of the marriage-portion, because the course of events seemed to favour the intentions of his master. The prince of the Asturias, then the only child of Philip IV., died on the 1st of November. For a week the Spanish crown remained without an heir, but on the 6th of the same month the queen gave birth to another prince, who lived to bear the title of Charles II. Yet although this event changed the aspect of affairs, it did not check the urgent desire of Louis to obtain the public nullification of his renunciation, or at least to be

furnished with a secret admission of the rights of his queen and his children, in case of the extinction of the male line; and in the king's despatch of the 14th of February, 1662, he directs the archbishop to give this turn to the negotiation, with the additional suggestion that Spain should at once cede to France, Luxemburg, Franche-Comté, the remainder of Hainault, Cambray, Aire and St. Omer, if not the entire investiture of the Low Countries and of Burgundy, in exchange for an alliance with France, which should enable Spain to reconquer Portugal in spite of the resistance of England. This overture led to no result, as might be expected, but we have alluded to it because it shows what the pretensions of Louis already were; and as M. Mignet has acutely remarked, the conditions which were then respectively though vainly put forward by the courts of St. Germain and Madrid at the outset were almost identical with the state of things which was brought about in Flanders by the result of Louis' Dutch campaigns, and in Spain by the final termination of fifty years of negotiation and of war. But it is worthy of observation, more especially with reference to the controversies which have arisen in our own time, that the original claim of Louis was expressly propounded on the ground of the ancient and fundamental law of Spain, which admitted the female succession to the throne upon the extinction of the male line. The Spanish doctors argued, on the contrary, that the successive renunciations of the daughters of Philip III. and Philip IV., who had married into the houses of Germany or of France, were to be considered as a species of Salic law: it was even proposed to introduce the Salic law; but when the archbishop of Embrun sounded the duke of Medina on this point, that minister replied that he knew nothing of it, and that it was a pure chimera, contrary to the fundamental laws of the state in the kingdom of Castille. The fact of the importance attached to these renunciations is conclusive as to the existence of the rights they were meant to bar; and the absence of the Salic law was never more clearly shown than by the claims of the Bourbon family to succeed to the throne.

It already appeared, however, that it might be long before the throne of Spain was vacant and the male line extinct;



and upon the failure of this negotiation, the ambitious designs of the court of France were directed to an object which promised a speedier fulfilment and a more direct advantage. By the custom of Brabant, the patrimony of a family descended absolutely to the children of a first marriage, without reference to the issue of a second. Property thus *devolved* upon the elder female branch, to the exclusion of the younger male heir. By a monstrous attempt to colour a daring invasion of the rights of nations with the pretext of law, Louis prepared to claim the Spanish Netherlands on behalf of his queen upon the death of his father-in-law, and to the exclusion of his wife's brother. If any such claim had actually existed, it would have been barred by the sweeping clauses of the act of renunciation; but it was demonstrated in the most peremptory manner, in the course of the succeeding negotiations, that this principle of the law of real property in Flanders was utterly inapplicable to the hereditary transmission of the sovereignty.

The desire of Richelieu had been to erect the Catholic provinces of Flanders into an independent republic,—not unlike, in purpose and in extent, the kingdom of Belgium as it has been founded within our own time. The policy of Mazarin tended to the entire annexation of those provinces to the crown of France. As early as the time of the negotiations for the treaty of Münster, the cardinal had urged upon the French plenipotentiaries the importance of acquiring the Low Countries and Franche-Comté, even at the sacrifice of Catalonia, which was then occupied by the French troops; in language which may be said to contain the unvarying expression of a policy which France has not abandoned for the last two centuries, he said,—

“The acquisition of the Low Countries forms an invincible bulwark to the city of Paris, which might then indeed be called the heart of France, and would be placed in the most secure part of the kingdom. Its frontier would then be extended to Holland; and on the side of Germany, where we have also much to fear, as far as the Rhine, by the retention of Lorraine and Alsace, and by the possession of Luxemburg and the country of Burgundy.”

At Münster this project was destined not to be fulfilled, and at the treaty of the Pyrenees it was not resumed; but

the memorable document in which cardinal Mazarin demonstrated in twelve points the importance of this acquisition was not lost upon such pupils as Lionne and Louis XIV., nor ever afterwards forgotten in the cabinet of France. But whenever it was revived, it could not but excite the liveliest apprehensions on the part of Holland and of Austria. M. de Witt, foreseeing, with a sagacity to which Louis XIV. and his ministers were wont to render the testimony of the most unequivocal respect, that the decline of the power of Spain could not but lead to a very formidable demonstration of the energy and resources of the youthful king of France on the frontiers of the United Provinces, had endeavoured to provide against the danger by reviving the more prudent scheme of cardinal Richelieu. As far as his personal interests were concerned, in opposition to the Orange party in Holland, John de Witt was not insensible to the advantages of adhering to the alliance of France; but he was too enlightened a statesman not to discover that the storm which was about to sweep over Flanders would be fraught with present and future peril to Holland, and he was too upright a man to sacrifice the safety of his country to share in the splendid but selfish and perfidious policy of his French ally. The negotiations of the Count d'Estrades at this period are known to the world, and we shall not dwell upon them here: suffice it to say, that they marked the rapid progress of the king's designs, and that their failure was the first indication of that difference which the sturdy independence of De Witt and the vindictive fury of Louis afterwards raised into open hostility. The defensive treaty between France and the United Provinces, which had been concluded at Paris in 1662, was the utmost limit to which De Witt was likely to extend his consent; and Louis was already so well aware that, in the event of his attack upon Flanders, he had little to expect from the United Provinces, and so unwilling to forfeit the servile connivance of England, that it was not without considerable hesitation that he took a part in the war which had broken out between the English and the Dutch in 1665. The peace of Breda, which terminated that war after the two most disgraceful years recorded in the annals of the British navy, was likewise the term of the



hostility which had so long prevailed between the two great trading and maritime powers of Europe; and in spite of the French interest, which was still kept alive by party intrigues at the Hague and by the corruption of a profligate court in London, the basis was then and there laid of that national alliance of England and Holland which was destined at a later period to oppose a successful resistance to the court of St. Germain.

In the meanwhile the political weakness of Spain, the infirmities of Philip IV., and the excessive debility of his heir-apparent, increased the perils of that declining empire. At four years old the prince was unable to stand on his legs; he had cut no teeth, and he was still suckled at the breast. The war with Portugal was carried on without energy or success, till it ended in the fatal battle of Villa-Viciosa: even the Moorish corsairs began to renew their attacks upon the coast of Spain. At such a time, Louis was little disposed to support with patience the measures which had been openly taken by the court of Madrid to frustrate his claims, by the marriage of the infanta Margaret with the Emperor Leopold as well as by the declaration which reserved the contingent succession of the Spanish crown to that princess and the German branch of the house of Austria; and the resolute conduct of the marquis de Castel-Rodrigo, the newly-appointed governor of the Spanish Netherlands, roused the French court to exasperation. Humiliated by the language which the archbishop of Embrun was now authorized to hold to the council of Castille, and exhausted by the calamities which had accelerated the miserable termination of Philip's life, the court of Madrid found itself on the eve of a frightful crisis, as devoid of all resources as if it had already undergone the worst consequences of defeat. On the 17th of September, 1665, Philip IV. expired. His will provided, that in case of the death of his son, the dominions of Spain should descend to the infanta Margaret, and, failing her or her issue, to the infanta Catherine, duchess of Savoy. The second article of this testament, after declaring that the incompatibility of the thrones of France and Spain had passed into a fundamental law, and after recapitulating the successive renunciations of queen Isabelle de Bourbon, queen Anne of Austria, and the reign-

ing queen of Louis XIV., insisted in the most peremptory manner on the exclusion of the French line from the throne; and added with peculiar emphasis, by the 10th article, that the states of Flanders and the Netherlands were on no account to be severed from the hereditary dominions of the Spanish crown. The archbishop suggested to his government the propriety of protesting against these clauses in the will; and his despatches are a singular combination of the flattery of the courtier, the astuteness of the diplomatist and the scholastic research of a churchman and a lawyer. But Louis had already settled the point on a former occasion by briefly observing, that it was not by a little more or less writing that the question would be determined.

The sacerdotal character and the theological casuistry of the archbishop of Embrun were not misplaced at the court of Madrid, where Father Nithard, the confessor of the queen-regent, already exercised an undisputed power. But the diplomatic prelate was not one of those agents on whom the court of St. Germain principally relied; he was even kept in ignorance of the storm which was about to burst upon the territories of Spain; and he was himself scarcely less surprised than the council of Castille, when he was suddenly instructed to notify to that body the instant irruption of the French forces into the Low Countries. In reality, the attention of the French cabinet was directed to every quarter of Europe with more earnestness than to Madrid. A vital disease was already eating away the life of the Spanish branch of the house of Austria: the chief care of its enemies was to cut off every channel of assistance and every means of cure.

The neutrality of England and the hostility of Portugal were already secured; but the most important point was to establish the paramount ascendancy of Louis in Germany, and to paralyse that assistance which the ties of blood and the suggestions of policy would claim for Spain from the court of Vienna. The jealousy of the house of Austria entertained by the petty sovereigns of Rhenish Germany had already placed them in strict dependence on the court of France. The League of the Rhine, negotiated in 1658 by M. de Lionne under the orders of Mazarin, had already united the court of France



in a close offensive and defensive alliance with the electors of Mayence, Cologne, Treves, Bavaria, the king of Sweden, and the dukes of Brunswick, Lüneburg and Hesse-Cassel. Their united forces were commanded by the Prince de Salm, a French officer. In 1664 France had concluded treaties with the elector of Saxony, who had sold his vote in the Diet to Louis XIV. for an annual stipend of 20,000 crowns. The king of Sweden received 100,000 crowns a year; the elector of Mayence 10,000, and afterwards 20,000 crowns, whilst the alliance lasted. The king of France was the real head of the German empire; and the policy of the treaty of Westphalia, which had stripped the emperor of his legitimate power, was fulfilled by the servility and corruption of the princes of the empire, who transferred that power to his great rival. In 1667 Louis had need of all his influence and his alliances to prevent the possibility of Leopold's marching an imperial army to the relief of Spanish Flanders. Fresh treaties were concluded for this purpose with the electors of Mayence and Cologne, the duke of Neubourg and the bishop of Münster. By these secret conventions the German princes bound themselves not to suffer the passage of a German army, and Louis engaged to pay them each subsidies of 36,000 rix-dollars per annum, which were to be raised to 130,000 dollars in the event of a rupture with the house of Austria. The banks of the Rhine were literally sold to the court of St. Germain, and the same influence penetrated by similar means through the whole of northern Germany. Even in Hungary means were taken to check, by a formidable diversion, any design which the Austrian government might show of opposing the growing power of France upon the Rhine. The communication with Flanders was intercepted by the confederation of the Rhenish princes, and the internal resources of the empire were skilfully undermined. Nothing was left to chance,—everything was foreseen. Charles II. of England deposited in the hands of his mother, queen Henrietta Maria, who lived at Chaillot, a solemn engagement to enter into no combination hostile to the interests of Louis XIV. for the space of one year; and from one end of Europe to the other not an ally was left to Spain.

The internal resources of France were not less formidable and complete than her diplomatic preparations. Her finances and her fleet, both of which Mazarin had grievously neglected, were restored by the skill and care of Colbert and Lionne. The followers and pupils of the cardinal were destined to raise to an unprecedented height that system of foreign influence, military power and national prosperity which the conqueror of the Fronde and the founder of absolute monarchy in France had only looked to as a promised land. The revenue of the kingdom was doubled. The fleet which had been created by Richelieu, though subsequently neglected by his immediate successor, reckoned in 1666 no less than 110 vessels, carrying 3713 guns and 21,915 men. The army, after the peace of the Pyrenees, retained an effective force of 125,000 men, and its operations only awaited the pleasure of Louis XIV. and the guidance of Turenne. Early in March the preparations for the campaign were completed, and in May the war began. Thus, whilst the young king of France had means at his disposal which would have rendered him formidable to a coalition of all the powers of Europe, that coalition was in fact directed, by the corruption of some courts and the connivance of others, against the dependencies of the friendless and feeble throne of the infant king of Spain. Such, on the other hand, was the absolute destitution of the court of Madrid, that a paltry subscription was got up amongst the nobles, to which the dukes and cardinals contributed a donation of 2000 pistoles each and the council of Castille half a year's salary, to save the monarchy from dissolution.

It deserves however to be remarked, that in spite of its own resources and the penury of its adversary, the French cabinet thought fit to commence its operations by the publication of a book. The first overt act which announced the hostile designs of Louis XIV. to the court of Spain and to the world, was the production of a volume of 318 octavo pages, entitled 'Traité des droits de la Reine très chrétienne sur divers états de la monarchie d'Espagne.' In this work the nullity of the king's renunciation and the doctrine of *devolution* as applied to the Spanish provinces of Flanders, were asserted with the address of a skilful advocate. Our limits forbid us to enter upon the arid and unconvincing arguments put forth



in support of these most untenable propositions of royal logic and unscrupulous ambition. The point of law had been already decided by the learning and equity of De Witt, who had been consulted in the preceding year; and the claim itself, even if it had been founded on the basis of absolute justice or the immemorial customs of the realm, instead of being a fraud, a fiction and an innovation, was one which the court of Spain was bound to resist to the last extremity, for it involved the dismemberment of the empire.

"It was sufficiently bold in the French," says Lord Bolingbroke, "to argue from customs that regulated the course of private successions in certain provinces to a right of succeeding to the sovereignty of those provinces; and to assert the divisibility of the Spanish monarchy with the same breath with which they asserted the indivisibility of their own; although the proofs in one case were just as good as the proofs in the other, and the fundamental law of indivisibility was at least as good a law in Spain as either this or the Salique law in France. But however proper it might be for the French and Austrian pens to enter into long discussions and to appeal on this great occasion to the rest of Europe, the rest of Europe had a short objection to make to the plea of France which no sophisms, no quirks of law could evade. Spain accepted the renunciations as a real security; France gave them as such to Spain, and in effect to the rest of Europe. If they had not been thus given and thus taken, the Spaniards would not have married their Infanta to the king of France, whatever distress they might have endured by the prolongation of the war. These renunciations were renunciations of all rights whatsoever to the whole of the Spanish monarchy, and to every part of it. The provinces claimed by France were parts of it. To claim them therefore was to claim the whole; for if the renunciations were no bar to the rights accruing to Mary Theresa on the death of her father, Philip IV., neither could they be any to the rights that would accrue to her and to her children on the death of her brother, Charles II.\*"

The only public servant of the crown of Spain who appears from the first to have foreseen the impending storm, and to have prepared to meet it, was the marquis de Castel-Rodrigo, the governor of the Low Countries; yet, to the very last

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\* Lord Bolingbroke's *Letters on History*, Letter 7,—the most masterly sketch in our language, or perhaps in any other, of the policy of the period before us. Bolingbroke was the only political writer of the earlier part of the last century who appears to have had full cognizance of the Chevalier de Gremont's Treaty of 1668, and of the exact nature of Charles II.'s (of England) engagements with Louis XIV. He derived that knowledge he says "from private relations I have read formerly, but am not at liberty to quote,"—that is, from the state-papers to which he had had official access.

moment, his expostulations and entreaties were looked upon at Madrid as mere attempts to extract money from the impoverished treasury of the kingdom. On the very eve of the rupture, he addressed to Louis XIV. a remonstrance and a proposal for negotiation, in language of singular dignity and moderation. The king's answer, transmitted by M. de Lionne to the Spanish ambassador in Paris, was as follows:—

“MONSIEUR,—J'avais envoyé au roi, à Champlatreux, la lettre que M. le Marquis de Castel-Rodrigo lui a écrite, et sa majesté, en me la renvoyant, m'a chargé de faire savoir à V. E. qu'elle a estimé qu'il serait fort indigne d'elle de répondre à un libelle que le dit marquis, se méconnaissant beaucoup, a eu l'audace de lui adresser en forme de lettre.

“C'est toute la réponse que j'ai eu l'honneur de recevoir de sa majesté.”

Lionne however answered the arguments of the Spanish memorial in his own person.

The chief hope of the Spanish government lay in the assistance which they hastened to claim from the court of Vienna. But the entreaties of the Spanish ambassador were vain; the court of France was represented by a man whose ingenuity and presence of mind gave him an incontestable superiority over the irresolution of Leopold and the intrigues of his ministers. The chevalier de Gremonville, a gentleman hitherto unknown either in political or literary history, was at that time the representative of Louis XIV. at the imperial court. The volumes before us have for the first time revealed to the world a politician of such consummate dexterity, that his influence over the conflicting elements of a jealous court may be said to have determined the success of the war, and, if circumstances had favoured his combinations, they would have changed the fate of Europe; whilst as a writer M. de Gremonville is scarcely less graphic than St. Simon himself. The pedantic court of Vienna, where two centuries seem scarcely to have done more than change the name of the reigning sovereign, is drawn to the life; and the gay and active Frenchman figures in that august circle with an elf-like celerity of mischief, which confounds the stately grandeur of the Lobkowitzs, Schwarzenbergs, Auersbergs and Thuns.

That part of Flanders which belonged to the circle of Burgundy was not the less an object of Louis' ambition, although it had a direct claim to the protection of the empire. But



Leopold, taken by surprize by the announcement that his youthful contemporary was already riding at the head of his army into the marches of Brabant, was in no condition to proceed to the relief of the court of Brussels. Austria protested that she had always believed the treaty of Westphalia to be indestructible, and the peace of the Pyrenees eternal; and prince Lobkowitz was already more disposed to lend himself to the spoliation of the Spanish crown than to advance to its relief. The emperor would do nothing without the support of the Diet; and at Ratisbon many of the princes were already in the pay of Louis, whilst the rest were little inclined to brave his anger. To enable the princes of the empire to refuse with a better grace the passage of the imperial troops, if it were demanded, Louis condescended to supplicate for permission to despatch 12,000 men into Poland to fight the Turks,—a demand which he knew would be refused, and would thus serve to render a similar demand on the part of the imperial cabinet less admissible.

The campaign had been begun without a declaration of war. The archbishop had been left in real and total ignorance of the military preparations of his master; and he acknowledged to Lionne with becoming submissiveness, that no minister is so well able to deceive a foreign court as he who is himself deceived. The French ministers all over Europe protested, that the mere fact of their master proceeding to occupy cities, fortresses and provinces which he claimed in right of his queen, was not to be regarded as war; and they persisted in this assertion with unparalleled coolness. At length however war was declared by Spain, and the archbishop ordered to leave Madrid, which he did in very handsome style.

“Je pars d’ici avec un très-grand équipage de quarante chevaux ou mules, carrosse, litière, calèche, vingt mulets de charge (sans compter ceux de M. Recamera), couverts de fort belles couvertures, pages, laquais, gentilshommes et quelques officiers réformés qui se joignent à mon escorte. J’ai cru que je devais sortir de cette cour avec quelque sorte d’éclat en cette conjoncture.”

On the 6th of August the ambassador set out, and he wrote to M. de Lionne from Victoria on the 18th, to give him an

account of his pompous exit from Madrid and his armed progress across Spain :—

“ Je suis parti de Madrid, le 6 de ce mois, sur les six heures du soir, où beaucoup de gens étaient aux fenêtres et dans les rues pour voir passer mon équipage, dont je ne vous répéterai point ici la magnificence, qui était fort extraordinaire pour un ambassadeur de retour. Mon suisse était à cheval devant mes mulets, couverts de fort belles couvertures en broderie avec mes armes, mes écuyers et mes pages avec mes chevaux de main, mes laquais à l'entour de mon carrosse et de ma calèche, et vingt cavaliers derrière pour mon escorte. Toutes les personnes de condition me firent de grandes salutations des carrosses ou des fenêtres, et les gens du peuple criaient : *Dieu le neve bien* (Dieu le conduise !). L'on peut juger de là quelle est l'impression de la grandeur du nom du roi dans l'esprit des Espagnols, qui ont témoigné, même dans cette dernière heure, au milieu de la guerre, un respect pour moi qui n'est pas imaginable, et qui a toujours affligé au dernier point les ministres d'Espagne par un pronostic d'un changement d'état.”—*Vol. ii. p. 201.*

At Vienna the rapid progress of the French armies was viewed with increasing alarm. Armentières, Charleroi, Bergues, Furnes, Tournai, Douai and Oudenarde had already surrendered to Turenne. That general had retired from before Dendermonde, which had been relieved; but he laid siege to Lille. The lines were opened on the 18th of August, and the place capitulated on the 27th. On the 8th of September this event was known at Vienna. M. de Gremonville's account of the arrival of the news is highly characteristic.

“ Le 8 du courant il arriva de Flandre un courrier à l'ambassadeur d'Espagne pour lui donner part de la prise de Lille; et quand je n'aurais pas su d'ailleurs les mauvaises nouvelles qu'il apportait pour eux, je m'en serais bien aperçu par le morne silence qu'on garda ce soir-là au souper de l'empereur et des deux impératrices, où je ne me serais pas trouvé par modestie, si M. le grand chambellan ne m'y eût donné rendez-vous pour lui parler; mais je me gardais bien de témoigner rien savoir, pour leur montrer que j'étais beaucoup plus circonspect qu'ils n'avaient été en me venant dire en foule, comme ils firent il y a quinze jours, cette imaginaire perte de six mille hommes à Dendermonde. Mais à la fin ils ne purent s'empêcher de s'expliquer de la prise de Lille: je montrai ne la pas croire, et que c'était peut-être un autre artifice du marquis de Castel-Rodrigo, pour tâcher par toutes sortes de moyens d'obtenir des secours, puisque je savais qu'il écrivait que toute la Flandre était perdue si l'empereur ne se déterminait pas promptement à une déclaration ouverte, pour laquelle obtenir les Espagnols affectent de publier le siège de Gand, sa perte inévitable,



et de plus que M. de Marsin est assiégé avec trois mille chevaux par une partie de l'armée de votre majesté.

" L'ambassadeur de l'Espagne, contre sa coutume, ou pour montrer sa plus grande consternation, n'apporta point lui-même cette nouvelle à l'empereur, mais la fit seulement savoir au grand chambellan, et par un billet à la camarera mayor, laquelle, se trouvant auprès de l'impératrice, fut assez malhabile d'en faire la lecture en sa présence, dont s'étant évanouie, cette princesse en fut si effrayée qu'elle crut qu'il était arrivé quelque grand accident à la reine sa mère. Les Allemands ne trouvent pas bon qu'on lui communique ces sortes de matières, qui pourraient porter un grand préjudice à sa grossesse. Enfin, sire, jamais nouvelle n'a causé une telle surprise, d'autant plus qu'on s'était imaginé fort légèrement que votre majesté ne réussirait point à cette entreprise, et qu'elle y consommerait son armée en trois mois de siège, ce que la flatterie de certains Français renégats qui sont ici leur donnait plus à croire encore, et dont on commence à se prendre garde. Je me sers exprès, a fin de me mieux moquer d'eux, des mêmes avantages qui rendaient, à leur dire, cette place imprénable, et prétendant par là leur faire voir en temps et lieu combien de gloire votre majesté s'est acquise par une conquête si considérable, que les Espagnols même par force font valoir pour tâcher d'obtenir de l'empereur une déclaration ouverte, comme l'unique soutien à l'imminente chute de la Flandre, alléguant qu'après ladite conquête rien ne peut s'opposer à la valeur des armes de votre majesté."—*Vol. ii. p. 228.*

Yet notwithstanding the effects which such events were calculated to produce, the chevalier de Gremonville's influence at court was still sufficient to prevent the emperor even from recruiting his army. The Spanish ambassador declared, that at such a crisis it was not to have been expected that an emperor of the house of Austria would take a Frenchman for his prime minister; and Louis XIV. himself praised the "unequalled effrontery" of his own envoy, who had succeeded in paralyzing all the movements of the imperial court until his master had finished his summer campaign. Louis returned to St. Germain early in September, and Turenne went into winter-quarters before any prince in Europe had taken up arms to check his progress. But already further designs were in preparation.

"En tout cas," says the king in a despatch to M. de Gremonville of the 22nd September, "je veux bien vous dire que si je ne puis avoir cet hiver un accommodement à des conditions équitables et modérées, je m'en vais me mettre en état que, quelque puissance étrangère qui se mêle dans cette affaire en faveur des Espagnols, non seulement avec l'aide de Dieu je conserverai les avantages que j'ai acquis par les armes en cette campagne, mais que fort vraisemblablement rien ne m'empêchera de pousser mes progrès

plus avant; et mon intention est aussi d'avoir un bon corps d'armée en Alsace, au commandement duquel j'ai destiné mon cousin le prince de Condé, que j'ai envoyé quérir à Chantilly, pour le faire partir, avant qu'il soit huit jours, et se rendre à son gouvernement de Bourgogne, où il commencera à prendre soin des troupes qui devront composer ladite armée."—*Vol. ii. p. 238.*

A few days afterwards Lionne writes as follows:—

"Sa majesté a exécuté ce que je vous mandais par votre gentilhomme à l'égard de Monseigneur le Prince. Il est presque inconcevable dans quels transports de joie fut ledit seigneur prince, quand elle lui déclara qu'elle le faisait général d'une armée de 25,000 hommes sur le Rhin."—*Vol. ii. p. 240.*

That army was destined to the brilliant winter campaign in Franche-Comté.

The success of M. de Gremonville's endeavours to prevent the court of Vienna from engaging in the war and sending troops to the relief of Flanders, seems the more extraordinary, when it is remembered that the emperor Leopold was at that moment the heir presumptive to the Spanish monarchy, and that every post might bring him the intelligence of the death of Charles II. In defending Flanders, the court of Austria would have done no more than defend the integrity of those dominions which, by the will of Philip IV., it might already regard as its own. The views, however, with which the imperial cabinet contemplated the opening of that vast inheritance were of a far more pusillanimous nature; and already M. de Lionne had detected, with the sagacity which guided the movements of the court of St. Germain, that it would not be impracticable to induce the emperor to consent to an eventual partition of the dominions of the Spanish crown. The history of this negotiation is one of the most curious parts of these collections; for although the fact that such a treaty had been concluded was vaguely divulged in the beginning of the last century, and is alluded to by Voltaire, yet the tenour of its articles and the incidents of the negotiation were unknown till the appearance of the work before us, in which the original documents are laid before the world\*.

\* Voltaire probably asserted the existence of this treaty from the notes of Felisson and Grimoard. The passage in the '*Siècle de Louis XIV.*' deserves to be cited:—

"Tous les frères de Charles II., roi d'Espagne, étaient morts: Charles était



To France such a treaty was the confirmation of the highest hopes of the king. On her side she negotiated her vague pretensions, supported indeed by a force calculated to make even them respectable, against the positive rights of the house of Austria; and she obtained the full recognition of the conquests already made in Flanders from the only power able to contest them, whilst at no distant period she might look forward to the peaceable attainment of what was then the principal object of her ambition. Austria already abandoned the strong ground of the renunciation, which was shortly afterwards so imprudently and feebly given up by the parties to the Triple Alliance; and thus at the very outset the whole question of international law was surrendered to the pleasure of Louis.

The first proposal of this partition had been made indirectly to the court of Vienna by Prince William of Fürstemberg, an envoy of the elector of Mayence, acting on behalf of Louis XIV.; but this negotiation was speedily brought to a conclusion, and its failure, which was no secret, served as a foil effectually to conceal the scheme when it was shortly afterwards resumed with the deepest mystery between princes

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d'une complexion faible et malsaine. Louis XIV. et Léopold firent dans son enfance à peu près le même traité de partage qu'ils entamèrent depuis sa mort. Par ce traité, qui est actuellement dans le dépôt du Louvre, Léopold devait laisser Louis XIV. se mettre déjà en possession de la Flandre, à condition qu'à la mort de Charles, l'Espagne passerait sous la domination de l'empereur. Il n'est pas dit s'il en coûta de l'argent pour cet étrange négociation: d'ordinaire ce principal article de tant de traités demeure secret. Léopold n'eut pas sitôt signé l'acte qu'il s'en repentit: il exigea au moins qu'aucune cour n'en eût connoissance, qu'on n'en fit point une double copie selon l'usage, et que le seul instrument qui devait subsister fût enfermé dans une cassette de métal, dont l'empereur aurait une clef et le roi de France l'autre. Cette cassette dût être déposée entre les mains du grand-duc de Florence. L'empereur la remit pour cet effet entre les mains de l'ambassadeur de France à Vienne, et le roi envoya seize de ses gardes du corps aux portes de Vienne pour accompagner le courrier, de peur que l'empereur ne changeât d'avis, et ne fît enlever la cassette sur la route. Elle fut portée à Versailles, et non à Florence; ce qui laisse soupçonner que Léopold avait reçu de l'argent, puisqu'il n'osa se plaindre. Voilà comment l'empereur laissa dépouiller le roi d'Espagne."

The sarcasms and the facts of Voltaire in this passage are alike unjust and inaccurate. Leopold received no money in the course of the negotiation. Two copies of the instrument were signed, and one of them is doubtless at Vienna at this moment, as well as at Paris. Nothing could be more dissimilar than the treaty of 1668 and the negotiation for partition after the death of the king of Spain. X Lastly, there is no evidence that Leopold repented of this treaty, for it furnished him with a powerful motive for keeping Louis at peace with the empire, and this very argument was used with great force by Gremonville some time afterwards to prevent the imperialists from assisting the Dutch on the invasion of Holland. The most mischievous part of the treaty was the fact of its having been signed at all.

Lobkowitz and Auersberg and M. de Gremonville. The imperial cabinet appears to have embarked in this extraordinary arrangement with singular zeal. Lobkowitz was a firm adherent of the French party; his colleague prince Auersberg had been bought over by a promise that the king of France would solicit a cardinal's hat for him from the pope. Leopold himself had made a vow to St. Anthony of Padua for the success of the negotiation, though, as one of his ministers confidentially observed to the chevalier,—“Our emperor is not like your king, who sees and does everything for himself; for he is a statue which may be carried wherever you please and set up at pleasure.” It was one of the finest parts of the character of Louis, that whenever he gave his confidence to his servants, he gave it all: he was ably served, because he gave to able men the full and unchecked liberty of serving him. No sooner had the assent of the Austrian ministers been given to the scheme, on the condition of complete and lasting secrecy, than M. de Gremonville found himself by return of courier “devenu un grand plénipotentiaire, sans adjoint et avec entière faculté de conclure.” His powers were contained in an autograph letter of the king to the emperor, in order to avoid the necessity of their passing the great seal; but these powers were accompanied by instructions which bear the stamp of a master's hand.

The contracting parties were both equally eager to accomplish their great object of a partition, but they were not less anxious to secure the interests of their respective masters. For several days the bargain was carried on by the respective ministers, who met either in disguise or at strange and remote places, to play at a game in which kingdoms, duchies and the western hemisphere were the stakes. After having given an account of these transactions to the king with exquisite fidelity and vivacity, M. de Gremonville says to M. de Lionne:—

“C'est une véritable représentation de comédie italienne que la négociation où je suis. L'empereur y fait le second *Zanni*, embrouillant l'esprit de ses ministres pour faire réussir l'intrigue. Le prince Lobkowitz et le prince d'Aversperg se veulent gagner le dessus et aspirent à l'honneur de la négociation, en se trompant l'un l'autre. Le président des finances agit en *Pantalon*, qui fait bien du bruit pour faire commencer les levées, mais qui sous main met tout en usage pour ne point déboursier d'argent. L'impératrice douairière fait la *Colombine*, aidant admirablement à l'in-



trigue, sans en bien savoir le but. Et moi je suis le *Trappolin* normand, qui fait le tout pour bien servir son maître. Mais vous me permettrez aussi de vous dire que vous faites le *Docteur*, qui donnera tout le bon succès à la chose par son admirable direction."—*Vol. ii. p. 412.*

The difficulties, however, were gradually removed, not so much by concessions to the empire as by suitable persuasives to the imperial minister. The chief obstacle was the strong desire of Prince Auersberg to retain, if possible, Milan, Naples and Sicily; insomuch that he appeared disposed to cede the whole of the Spanish Indies for what M. de Gremonville calls "ces trois pièces." At length, after an incredible struggle, Naples and Sicily were abandoned to France, and at two in the morning of the 20th January, 1668, this memorable treaty was signed; and those who signed it believed that they had accomplished the greatest diplomatic achievement which had been known for centuries; as indeed they had, if the course of events had ever realized their previsions. It had originally been proposed to place the original documents in the custody of the grand-duke of Tuscany, without acquainting him with their purport; but the fear that his curiosity would defy all the precautions of seals and locks prevailed; and the French copy of the treaty was deposited in a tin box and escorted to Paris by sixteen of Louis' gardes-du-corps, who had been despatched for the purpose to the gates of Vienna.

"Such," says M. Mignet, "was the end of one of the greatest affairs ever undertaken in politics, since it was destined to distribute the vastest territorial inheritance in the world; one of the boldest, since it affected to distribute this inheritance thirty-two years before it was opened; one of the best conducted negotiations, since it succeeded; and one of the most mysterious, since it has remained secret till our own time."—*Vol. ii. p. 481.*

The following columns will present in the briefest form the distribution of the dominions of the Spanish crown, as it was then agreed to by the plenipotentiaries of France and of the Empire:—

*Share of the Emperor.*

THE KINGDOMS OF SPAIN, except the kingdom of Navarre and the fortress of Roses.

THE WESTERN INDIES, including all the possessions of Spain in America.

*Share of the King.*

The Spanish possessions in FLANDERS, including BURGUNDY and FRANCHE-COMTÉ.

THE PHILIPPINE ISLANDS.

THE KINGDOM OF NAVARRE, and Roses.

*Share of the Emperor.*

THE DUCHY OF MILAN, with the investiture of the Duchy of Sienna.

The Spanish Ports in Italy on the Tuscan sea as far as the frontiers of Naples.

SARDINIA.

THE CANARY ISLANDS.

THE BALEARIC ISLES.

*Share of the King.*

The places on the AFRICAN COAST, THE KINGDOMS OF NAPLES AND SICILY.

If we take an impartial view of this arrangement, setting aside the considerations arising out of Louis' renunciation on his marriage, which he never intended to keep, and the rights of the people, which at that day were not much considered, we may admit that it was a prudent and not an unfair adjustment of a difficulty which threatened at no distant period to plunge the whole Spanish monarchy and the rest of Europe in the horrors of war. Louis and Leopold were first-cousins,—both of them sons of daughters of Philip III: their wives, the empress of Germany and the queen of France, were the daughters of Philip IV., and might be considered as co-heiresses of the last Austrian princes in Spain, and co-heiresses of realms too wide for the rule of a single sceptre. Nor can we discover anything in this compact more at variance with political morality or the rights of nations, than in the treaty concluded thirty years afterwards, to which William III. was a party, and against which Leopold so loudly protested in 1695. The miserable error of the court of Austria in 1668 was that it abandoned the impregnable ground of the renunciation of the queen of France, and, by admitting the right of Louis to share in the partition of the Spanish empire, did in fact admit his reversionary claim to the whole dominions of that monarchy. It inspires us with a lofty idea of the terror which the arms and the character of Louis had already inspired in Europe, that the head of the house of Austria should at once consent to abandon so large a portion of those dominions to which, under the will of his father-in-law, he had an undivided claim: but, on the other hand, Louis consented to leave the fundamental possessions of the Spanish monarchy in the hands of the house of Austria; in Flanders he claimed no more than he was already able to conquer; and,



above all, he raised no pretensions, he intimated no hopes at that time of placing a Bourbon on the throne of Spain. The policy which had been faintly intimated in the first despatches to the archbishop of Embrun seemed to be abandoned; and so little jealousy had been excited at Vienna by the supposed desire of the court of France to level the national barrier of the Pyrenees, that in the course of this negotiation the imperial ministers more than once pressed M. de Gremonville to ask for whatever he pleased in the territories of the Peninsula or the transatlantic dependencies of Spain, alleging with an amusing ingenuousness that his master was, if anything, less hated by the Spaniards than theirs, and that he would consequently have less difficulty in governing what he acquired. The real obstacles to the execution of such a treaty would have been the haughty resolution of the proud people of Spain,—as yet not altogether degenerate or forgetful of their sires,—who regarded the dismemberment of the empire of Charles V. as the most heinous of indignities; and to this may be added the combination of all the minor powers of Europe which the avowal of such a compact would instantly have awakened. These contingencies were to a certain extent provided against by a clause in the treaty, providing that an offensive and defensive alliance between the emperor and the king of France should be made to lend the necessary support to so vast a scheme.

But why dwell on a passage in history, however attractive by its mystery and its magnitude, which resembles the dream of some fantastic potentate, rather than the precise and practical conclusions of Louis and Lionne? Within a few months from the conclusion of this great negotiation, its momentary possibility was gone for ever. Human subtlety is overpowered by the drifting force of politics and empires; and the parchment which at one time would have divided the civilized globe, remains unknown and unrecorded, till it serves only to point a moral and disclose the secrets of hearts which have long ceased to beat. The authors of this treaty have had to wait nearly two centuries for their fame. In the midst of success, M. de Lionne seems to have had a presentiment of this kind: he writes to the chevalier on the receipt of the treaty as follows:—

+ “ Vous avez fait des merveilles, et je ne saurais vous exprimer la satisfaction que j’ai de vous voir si glorieux, et que vous ayez si heureusement manié et ménagé au profit de notre maître et à l’avantage de la chrétienté la belle matière qu’on vous avait mise en main. Vous aurez pourtant une petite mortification de ce qu’il faudra que le mérite que vous avez acquis demeure long temps et peut-être toujours caché aux yeux de tout le monde. Mais il faut vous en consoler sur ce que le maître le sait et le veut reconnaître ; cela doit vous suffire pour vivre désormais fort content.

“ Sa majesté ne vous donnera pas à la vérité les hautes récompenses où ces messieurs ont voulu élever vos pensées, et j’avoue ingénument que je voudrais bien qu’elle le fît ; car, en ce cas-là, je pourrais espérer qu’elle ne me refuserait pas la charge de connétable, puisque l’origine de tout vint premièrement de la pensée qui me tomba dans l’esprit de vous écrire le premier billet, et ensuite des instructions de sa majesté que j’ai eu le bonheur de dresser et de vous envoyer ; mais pour moi, je suis déjà pleinement récompensé de tout le service que j’ai pu rendre en cette occasion et de tous ceux que je pourrai jamais rendre ; il faut seulement songer à vous, et là-dessus je vous dirai pour votre satisfaction que sa majesté m’a déjà fait l’honneur de s’expliquer à moi qu’elle vous donnerait un gouvernement et une abbaye, et je tiendrai maintenant la main à la faire souvenir de sa promesse.”—*Vol. ii. p. 451.*

+ Hitherto we have had little to contemplate in the brilliant and rapid triumphs of the court of France but the striking contrast between the ability and ambition of its policy on the one hand, and the declining powers of its antagonists on the other ; but already the movements of Louis were watched with a penetrating eye by a man whom the skill of French diplomacy could not deceive nor the gold of France corrupt. The only statesman in Europe whom Louis XIV. feared was John de Witt : the only people which, in spite of all the disadvantages of a divided popular government, he could not gain or intimidate were the Dutch. The pretensions of Louis to the provinces of Spanish Flanders had from the first been coldly received by De Witt. Acknowledging the advantages which Holland had derived from an alliance with France, which was coeval with her political independence, conscious that his personal influence was in no slight degree dependent on the maintenance of what was termed the French, in opposition to the Orange party, De Witt endeavoured at first to moderate the pretensions of Louis,—failing in that, to restrain and to counteract them.

Upon the breaking out of the war of devolution, the Spanish governor of the Low Countries had at once appealed to



the Dutch for assistance,—a great and certainly an unwilling testimony to the power of the republic, which could bring a Spanish envoy to the Hague to sue for succour against the king of France! At one moment De Witt hesitated. The marquis de Castel-Rodrigo had offered Bruges and Ostend to the Dutch to purchase their assistance. That offer might have turned the scale, but it was soon retracted. The Grand-Pensioner contented himself with adhering to a system of neutrality, tending to mediation between the two crowns. He was already drawn by gradual steps to the rupture of those treaties which bound the Dutch to the political system of France, and the crisis was approaching which threw their weight into the counsels of her opponents; but it was a fatal error that he did not act upon the emergency with sufficient rapidity and determination. To trace with minuteness and accuracy the history of this important change in the balance of power, the reader must turn from the documents before us to the negotiations of Sir William Temple and the memoirs of De Witt: suffice it for our present purpose to point out the fact. The groundwork of the Triple League was already laid in the minds of those great statesmen; and, on the other hand, the repulse which Louis sustained at the Hague in the first burst of his youthful triumphs, stung his pride, and kindled the fire of that implacable revenge which was to prompt at no distant period the invasion of Holland. In proportion as Louis ceased to rely on the devotion of the Dutch to his interests, it became expedient for him to conciliate the court of England, as the other great maritime power, and as that to which M. de Witt looked for support in his pacific designs.

The marquis de Ruvigny, a protestant nobleman who had resided in England, and who was connected with Clarendon by the ties of friendship and with the house of Russell by marriage, was appointed to proceed as ambassador to London. The family ties of Charles and Louis, and the position of the needy and insincere king of England, had already pre-disposed the court to throw itself into the arms of France. Ruvigny was instructed to strengthen these inclinations by the proposal of a treaty of alliance directed against the house of Austria both in Germany, Italy and Spain, by which the

American dependencies of those powers should be abandoned to England, their European dominions allotted to France. In addition to this, M. de Lionne recommended Louis to offer Ostend and Nieuport to the English if they would join him in the war in Flanders; and the old and still repeated lure of a commercial treaty, which had recently been negotiated by Lord Hollis, but not signed, was again held out.

On his arrival in London, the French ambassador found the king courteous to himself and inclined to negotiate; but Clarendon was just disgraced, Baron Isola the Spanish envoy was arrived, and the country was already roused to a furious jealousy of the power of France. A few influential members of parliament ventured to call on the ambassador; but they came at night with link-boys and in disguise. The duke of Buckingham hesitated to avow his preference for the French alliance. Lord Arlington was a warm partisan of the interests of Spain and Holland. In a word, Charles himself was the only man at court to whom Ruvigny could open his commission. The king admitted the existence of these obstacles, but he said Lord Arlington was not so black as he was painted. At length after several private audiences, Charles allowed the ambassador to perceive that the negotiation could only be opened on three conditions,—a grant of money, a share in the conquests in Flanders, and a community of commercial interests. Louis eagerly embraced these suggestions, and on the 5th of November (1667) full powers were sent to the ambassador to treat for an offensive or defensive alliance. But in the meantime parliament had met, and the impeachment of Clarendon absorbed the attention of the court as well as of the country. Charles, with his wonted fickleness, drew back,—then offered to renew his previous engagement, to enter into no league hostile to France for one year,—and finally, under Lord Arlington's influence, violated even that promise by authorizing Sir William Temple to treat with the Dutch, whilst the duke of Buckingham and Arlington himself were making to M. de Ruvigny the following proposal:—

*“Projet d'un Traité secret entre les deux Rois contre les Etats des Provinces-Unies, qui s'expliquera de la manière suivante.”*

*“Si la France et les États généraux en viennent à une rupture, l'Angleterre aidera la France contre ces Etats, et si l'Angleterre en vient à une rup-*



ture avec les Etats, la France aidera l'Angleterre contre eux avec des forces dont on conviendra de part et d'autre.

"Nul des deux rois ne prendra aucune nouvelle liaison avec les dits Etats généraux sans le consentement de l'autre, ni consentira à aucun partage des Pays Bas espagnols à l'avantage des dits Etats.

"Le roi de la Grande-Bretagne ne donnera aucun secours directement ou indirectement aux Espagnols, ni à aucun autre prince ni état, quel qu'il puisse être, contre les intérêts du roi de France, tant que les Espagnols auront guerre contre la France.

"Le traité de commerce entre l'Angleterre et la France s'ajustera dans deux mois de temps après la signature du present traité."—*Fol. ii. p. 537.*

A counter project was proposed by Louis on the 4th of January 1668; but in the meantime a rapid and decisive move had been gained by Arlington in the opposite direction. Sir William Temple had been to the Hague, and had concerted with De Witt the principles of the mediation by which the Dutch hoped to terminate the war: at the end of December he returned to London. On the 1st of January, the English cabinet agreed to the proposition of a close alliance of mediation with Holland. Temple returned to the Hague on the 6th, and succeeded in obtaining from Count Dohna the concurrence of Sweden, a power which had been closely united to France ever since the treaty of Oliva. M. Mignet asserts that De Witt still hesitated to abandon the ancient French policy of Holland for an alliance with England: we question the fact, for the crisis was one of infinite moment, and De Witt had already hesitated too long. Everything depended on secrecy and despatch. On the 18th Temple had his public audience; and on the 23rd of January, 1668, the treaty of the Triple Alliance was signed. After sealing, says Hume, all parties embraced with great cordiality. Temple cried out, "At Breda as friends,—here, as brothers:" De Witt added, that now the matter was finished it looked like a miracle. Within a few days Van Beverning and Trevor were on their way to Paris, to negotiate with Louis for the peace. Charles II. announced the event to his sister Madame with consummate effrontery on the very day the treaty was signed in the following letter:—

"I believe you will be a little surprised at the treaty I have concluded with the States: the effect of it is to bring Spain to consent to the peace

upon the terms the king of France has avowed he will be content with; so, as I have done nothing to prejudice France in this agreement, and they cannot wonder I provide for myself against any mischief this war may produce, and finding my propositions to France received so cold an answer, which, in effect, was as good as a refusal, I thought I had no other way but this to secure myself. If I find by the letters that my Lord St. Albans is come away, I do intend to send somebody else to France to incline the king to accept of this peace \*."—*Vol. ii. p. 565.*

We shall not enter upon the known conditions of this celebrated treaty; and the extent of the materials before us forbids us to dwell upon the curious episode of the affairs of Portugal, which formed the subject of the secret articles annexed to it, although the ferocious caprices of Alphonso VI. might fill a curious page in the annals of Bedlam. The events of the last twelve months were now rapidly drawing to a close. Peace between Spain and Portugal was signed on the 13th of February, and the independence of the latter kingdom permanently established. Louis XIV. condescended to no expostulations; but in the depth of winter he put himself at the head of the army of Burgundy, and confounded Europe by the rapidity with which he snatched Franche-Comté from the feeble grasp of Spain. Satisfied with this new exploit, he then haughtily disposed himself to treat for peace, on conditions which a conqueror might have dictated, but which he affected to accept under the mediation of submissive Europe. His policy was even more triumphant than his arms. He had raised his fame to the highest pitch of greatness, and in the midst of his conquests he had paused to secure them. Even at that moment he hesitated to agree to the peace. A negotiation was on foot to engage the duke of Savoy in the continuation of the war, and three armies were ready to re-enter the Low Countries. Louis consulted his generals and his ministers as to which was the most honourable and advantageous part to take,—to adhere to his promises of peace, or to pursue the certain advantages of war. Turenne and Condé voted for war, Lionne and Colbert urged the nobler counsel, and Louis himself says in his memoirs,—

“ Je ne regardais pas seulement à profiter de la conjoncture présente, mais encore à me mettre en état de me bien servir de celles qui vraisemblablement se présenteroient.”

\* This note was seen and copied by Sir J. Dalrymple in the dépôt at Versailles.



blement pouvaient arriver.....et je remarquais que dans toute l'Europe je serais plus considéré et plus en pouvoir d'obtenir de chaque état particulier ce qui pourrait aller à mes fins tandis que l'on me verroit sans adversaire que quand il y auroit un parti formé contre moi.\*"—*Mémoires de Louis*, vol. ii. p. 369.

Up to this period Louis had failed in nothing, because he had never allowed his confidence in his military resources, great as they were, to induce him to risk a conflict with a force equal or superior to his own. His object was not to defy coalitions, but to dissolve them; and war became little more than the secure pastime of a gallant court as long as it was directed by the cautious and penetrating genius of Lionne. As long as that great minister—the greatest foreign minister, as it appears to us from these despatches, who ever held that office under the crown of France—was alive, the passions of the young king never led astray his policy. After Lionne's death, the ascendancy of Louvois and the arrogance of unbroken prosperity shook the principles on which the foreign policy of the kingdom had been framed: the mad passions of conquest and revenge burned more fiercely in later years, as the obstacles to them became more numerous; and by a just retribution, Louis saw the close of his reign overcast by the very dangers which he had at an earlier period been most sedulous to avoid.

The period at which we are now arrived, is one in which the secret policy of the court of France and the abject debase-

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\* It is worthy of remark, that in the paragraph immediately following these words, Louis mentions the treaty with the emperor for the eventual partition of the Spanish monarchy as a *consequence* of his declaration that he was ready to accept the conditions of peace proposed by what he termed the "complot" of the Triple Alliance. This assertion is totally erroneous. The partition treaty was signed at Vienna just three days *before* the Triple Alliance was signed at the Hague, and three months *before* the peace was signed at Aix-la-Chapelle. The whole negotiation at Vienna was concluded without the smallest suspicion on the side of the Austrian or the French ministers of what was passing in the north of Europe. The treaty of partition was regarded by the court of Vienna as an inducement to Louis to make peace, because it secured to him the eventual possession of those very provinces in Flanders which he was about to conquer by arms; so that far from being a consequence of the peace, it was one of the causes of it, both in point of time and of policy. It may be observed, that in the month of December 1667 and January 1668 three negotiations of the first importance were simultaneously in progress: the abortive project of Ruvigny's treaty between Louis and Charles; M. de Gremonville's successful treaty at Vienna; and the negotiation between De Witt and Sir William Temple. Europe was mined and countermined by the diplomacy of France, England, Holland and the Empire; but it was the result of these several negotiations that determined Louis to accept the peace of Aix-la-Chapelle.

ment of that of England have already been partially disclosed to the world, and recorded in the public annals of history by the notes and copies which Sir John Dalrymple was allowed, by the extraordinary liberality of the duke de Choiseul and the duke d'Aiguillon, to make in the archives then kept at Versailles, and now under the care of M. Mignet at the Foreign Archives in Paris\*. It is impossible, however, to collect from these English translations of papers, somewhat hastily selected at that time from the great mass of diplomatic correspondence, so complete a view of these transactions as that which M. Mignet has now laid, in their original form, before the world. The inference from Sir J. Dalrymple's selections is, that the duchess of Orleans played a most important, if not the first, part in the whole of the negotiations, and the conclusion of the treaty of Dover is commonly attributed to her journey and her influence with Charles. The truth appears to be that the affair was as much treated in London as in Paris, and that the personal intervention of Madame at the

+ \* Without entering at large upon the conflicting pretensions of political reserve and literary research in relation to the state papers so jealously kept by ministers, and so keenly sought after as the only sure depositories of historical truth, we cannot avoid a passing censure on the extravagant precautions and restrictions imposed in the British State-paper Office. It may be very proper that leave to work there should only be granted by an order from a secretary of state, and strictly confined to the documents of a particular class or period under that order; but will it be credited, that after this order has been granted, no copies are allowed to be taken even by the officers of the department, without the express authorization in each case of the Foreign Office. Distinguished foreigners come over to this country to examine our records of past centuries; but their researches are stopped at every turn by their being compelled to hunt in couples with a clerk of the Foreign Office, an unwilling sharer in their literary discoveries, without whose consent it is impossible for them to proceed. The wisest and noblest course for the government of a great and polished nation would be, to engage the services of the first English historical writers of the time in preparing for publication a condensed collection of our state-papers, in imitation of the consummate excellence of the work before us; but the next best step would be to open the state-papers for historical purposes down to a certain period,—say a century ago, or the commencement of the reign of George III. Too much care can hardly be taken in the choice of the persons who are to have access to them at all; but that access once being granted, it ought not to be grudgingly or suspiciously thwarted. Such, however, is the absurd inconsistency with which these things are done, that American agents have been allowed to peruse papers not fifty years old, and still likely to bear upon the politics of the day, whilst the despatches of Lord Burleigh or Cromwell are almost closed to the historian. To complete these contradictions it may be added, that the Duke of Wellington and the Marquis Wellesley, by the publication of such portions as they chose to print of their own political and military correspondence, have set an example which removes the obligation of secrecy from all the private collections of state-papers in the kingdom. Thus there is now reason to hope that the Marlborough despatches recently discovered at Woodstock in eighteen old chests, will throw a clear light on the most curious part of the reign of Anne.

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moment of signature was rather an act of courtesy to Charles than an essential part of the transaction.

Louis had assented with a politic compliance to those conditions of the triple alliance which Lord Bolingbroke has justly stigmatized as a compromise between the bully and the bullied; but he was already conscious that the sudden combination which had affected to withstand the progress of his arms was not the basis of a serious coalition. By Gremonville's treaty he had secured the assent or the neutrality of the imperial court; and Lionne probably detected the fact, that Temple was the only man concerned in the triple league who was entirely sincere. Within a few days after the signing of the treaty of Aix-la-Chapelle, Charles said to Ruvigny, that he wished to "*faire une bonne liaison*" with the king his master, and begged the French ambassador to make proposals. In the following July, M. Colbert de Croissy (the brother of Colbert the minister) succeeded the Marquis de Ruvigny with full powers to treat with the court of London, on the express stipulation of the abandonment of the triple alliance. M. de Witt had already proposed on his side to conclude a treaty with Louis XIV. for the purpose of compelling the king of England to surrender his claim to the supremacy of the British flag in the Channel; but Louis only used this overture to detach the English from their recent alliance with the Dutch, by communicating it to the court of St. James's. As for Sweden, although that power had momentarily united itself to England and Holland, the traditions of the thirty years' war and of the peace of Oliva, assisted by the largesses of the French ambassador, might at any time, and did in effect soon afterwards, bring her back to the system of France. When in the following year the ministers at the Hague, under the unflinching instigations of Sir William Temple, attempted to call Louis to account for infractions of the treaty of Aix-la-Chapelle, the "*impertinence*" was as loudly disavowed by Charles as it was resisted by Louis.

In England, however, the influence of Arlington still preponderated over the secret desires of Charles, and Louis saw that he had little to hope for from the master unless he could bribe or deceive the minister. In a despatch to Colbert of the 27th of August, 1668, he says,—

" Je vois bien dès les premiers pas de cette négociation, que votre voyage aura sur cette matière le même succès que les deux autres, à moins ou que les affaires du monde ne changent fort, ou que celui qui les a aujourd'hui en main de delà ne perde quelque chose de ce grand crédit qui les lui fait conduire avec une autorité comme absolue, selon son caprice et ses inclinations, plutôt que dans les véritables intérêts de son maître.

" A la vérité, je ne puis pas me plaindre de sa sincérité, car il ne pouvoit vous parler plus clairement qu'il a fait; un plus habile homme que lui aurait caché longtemps ses sentiments, vous aurait amusé d'espérances et vous aurait tendu, c'est-à-dire, à moi, des pièges plus dangereux du côté des Hollandais; mais il n'a pas voulu ou su faire que je pusse douter un moment de sa mauvaise volonté et de l'aversion invincible qu'il a à laisser unir les intérêts des deux royaumes."—*Vol. iii. p. 45.*

Dalrymple asserts, that "in the summer of the year 1668, Charles frequently renewed the attempt to a treaty with France; but France seems to have stood off, distrusting his sincerity." Nothing can be more inaccurate; it was the French court which most ardently desired the treaty, for its policy was arrested until this essential preliminary was accomplished; but the advances of Colbert were coldly received, and Charles was still afraid, except in his letters to his sister, to express his real wishes. On the 2nd of September he writes to her thus:—

" Mes dispositions sont toujours les mêmes, et j'espère finir par arriver en tout à ce que je veux; mais il y a sur la route deux empêchemens, dont le moindre résultat est de retarder les effets de la bonne envie qu'auraient les deux parties d'en venir à une union parfaite. Le premier est le grand soin que l'on se donne maintenant en France pour se créer un commerce, et pour être une puissance maritime imposante; c'est un si grand sujet d'ombrage pour nous, qui ne pouvons avoir d'importance que par notre commerce et par nos forces de mer, que chaque pas que la France fera dans cette voie perpétuera la jalousie entre les deux nations. Ce sera un grand obstacle à l'établissement de relations tout-à-fait amicales, et vous ne pouvez vous refuser à croire qu'il sera très-dangereux pour moi de faire ici un pacte d'union absolue avec la France jusqu'à ce que le premier de nos intérêts, c'est-à-dire celui de notre commerce, ait été garanti. L'autre difficulté gît dans les traités que j'ai faits récemment et que le roi mon frère ne voudrait pas, j'en suis sûr, me voir enfreindre, sous aucun prétexte, lui qui m'a montré par son bon exemple comment on est martyr de sa parole. Quand je dis cela, cependant, je ne nous crois pas tellement enchaînés ici que, si nous recevions satisfaction sur les points relatifs à la mer, il n'y ait jour suffisant à faire une étroite alliance. Je suis décidé, puisque mon inclination m'y porte, à faire tous mes efforts pour cimenter cette union."—*Vol. iii. p. 50.*



At one moment the negotiation was resumed by the duke of Buckingham; at another it was in the hands of the duchess of Orleans and Sir Elias Leighton, without the privity of Colbert the ambassador. Amongst the strange expedients which were used to promote the "great affair," was one altogether new in diplomacy. A taste for alchemy and astrology was one of the pursuits common to Charles and his favourite Buckingham; and it occurred to Louis and Lionne to avail themselves of the reputation and influence of a certain Abbé Pregnani, a great fortune-teller of the time, to strengthen their hold upon the king of England. The Abbé in this new capacity was described by Lionne in a despatch to Colbert as—

"une personne affidée et d'esprit capable, entrant à toute heure dans ses divertissements et ses plus secrètes occupations, où votre caractère ne vous laisse pas admettre; et que vous pussiez vous servir de cet homme pour faire insinuer les choses que vous n'auriez pas occasion de dire, ou qui même seraient mieux et persuaderaient davantage étant dites par un tiers; être ponctuellement averti de tout ce qui se passe; et enfin employer cette sorte d'émissaire comme la main et l'instrument qu'elle met à l'usage qu'elle veut, et si elle ne veut, à rien."—*Vol. iii. p. 73.*

The first stroke of the astrologer was a lucky one: the duke of Monmouth consulted him on an affair of gallantry with so good a result, that the king being apprized of it, ordered him to take his mystic volumes to Newmarket to draw the royal horoscope there. Charles found the wizard ingenious and amusing. In a letter to his sister he says,—

"Pregnani will tell you more about it, for he has been almost all this time at Newmarket; but what he will not tell you is, that he has lost his money by trusting to the stars to tell him what horses would win. He was so unlucky as to make three predictions all wrong, and James [the duke of Monmouth] who gave into them has also lost his money in the same scrape."—*Vol. iii. p. 80.*

The Abbé was not more successful in diplomacy than in racing. His presence offended Buckingham, who wished to keep the negotiation in his own hands, and Louis soon afterwards recalled him.

A fresh and much more serious impulse, however, was given to the affair by the conversion of the duke of York in the spring of 1669; and thenceforward the re-establishment of the Romish religion, or at least the declaration of Charles and his brother's reconciliation with Rome, formed an important

part of the negotiation. This point was concealed from Buckingham and Colbert de Croissy, and the correspondence was carried on by Lord Arundel and Lord St. Albans, who went to Paris; but the most important change was the accession of Lord Arlington himself to the French party, of which he, the founder of the triple alliance, had till then been a strenuous opponent. The following letter to the duchess of Orleans, which appears to have been written in French, contains his recantation:—

“ Si votre altesse royale se plaint de la généralité des termes de ma lettre, j’ai bien plus de raison (avec soumission) d’en faire autant de la particularité des termes de la sienne, et assurément ses correspondants dans cette cour me doivent avoir mal dépeint à votre altesse royale; autrement elle n’aurait jamais songé à me traiter de la sorte. J’ai été toute ma vie bon serviteur du roi mon maître, et mourrai ainsi par la grace de Dieu; et pour tout le bien du monde ne ferai jamais autre figure que celle d’un bon Anglais. Avec tout cela, le roi me fera témoignage qu’en deux ou trois jonctures remarquables, j’ai plaidé le parti de la France plus fortement qu’aucun de ses ministres; mais c’était lorsque je croyais que leur amitié lui pouvait être la plus utile. J’ai fait demé me en d’autres pour l’Espagne et pour la Hollande, quand la même raison semblait m’y obliger, mais toujours (Dieu merci) sans en prétendre ou recevoir aucune utilité pour moi-même. Voilà en vérité, madame, comme je suis fait, et, si un homme comme cela peut être agréable à votre altesse royale, je la supplie très-humblement de m’accepter en qualité de son très-humble et très-obeissant serviteur, qui vous honore avec une vénération profonde pour être la bien-aimée sœur de mon maître, et, à ce que je crois fermement, la princesse du monde la plus accomplie. Je pourrais ajouter à cela l’intérêt que j’ai à bien servir son altesse royale, sachant à quel point le roi vous aime et quel état il fait de votre amitié. Je finirai la présente en faisant souvenir votre altesse royale que sa majesté a eu la bonté de répondre pour moi, et qu’ainsi toutes autres cautions ne seraient pas seulement superflues, mais dérogeraient fort à la caution royale que vous avez déjà reçue pour moi.

(Signé) “ ARLINGTON.” \*

If, in the whole course of these shameful transactions, the name of one English minister deserves to be branded with deeper infamy than all the rest, it is that of the writer of this letter. Buckingham was at least consistent in his profligate servility, and Arundel in his bigotry; but for the secretary-of-state, who had forced the king into the triple alliance and who still kept Temple at the Hague, to put his hand to this counter-plot, was a treachery without a parallel. It does not,

\* Vol. iii, p. 91.



however, appear that Arlington was gained by money. Louis had caused magnificent bribes to be offered him, but they were refused; and upon the signing of the treaty he only received a present of 8000 crowns, with the sanction and by the desire of his master; to which was added a pearl necklace worth 60,000 livres for Lady Arlington on the declaration of war.

Our limits forbid us to enter at length into the curious conversations of the French ambassador with Charles on his projected change of religion, and on the state of religious parties in England, but they deserve to be recorded as matters of first-rate historical interest. The increasing necessities of the king and the increasing bigotry of his brother hastened the progress of the treaty; and on the 18th of December, 1669, the scheme was drawn up by Sir Richard Bellings and communicated to Colbert\*. The first demands of the English court are well known: Charles was to receive 200,000*l.* on declaring himself a catholic; Louis was to assist him with troops and money in case of a rebellion in England; the peace of Aix-la-Chapelle was to be maintained during the life of the king of Spain; but at his death England was to have Minorca, Ostend and Spanish America, and Louis the rest of the Spanish dominions,—a second treaty of partition being thus entertained by the French court and with another power within two years of the conclusion of M. de Gremonville's treaty at Vienna;—and war was to be declared against the United Provinces by sea and land, and at the especial desire of Charles, against Hamburg, from commercial jealousy. A stipulation was added in favour of the interests of the prince of Orange, which was admitted into the final treaty.

The various points contained in these articles were fully debated in London between Colbert, Arlington, Arundel and the king. The amount of the donation was reduced to two million livres; the stipulations as to the eventual partition of the Spanish dominions were postponed; the command of the fleet, consisting of fifty English and thirty French vessels, was given to the duke of York; Charles was to receive an annual subsidy of three million livres during the war, and was to keep, when conquered, the islands of Walcheren, Cad-

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\* See Dalrymple's *Memoirs*, vol. i. p. 96 (octavo edition).

sand and Helvoetsluys: the war against Hamburg was abandoned. At the last moment Charles urged his extreme desire of seeing his sister in England. With great difficulty the duke of Orleans, who was jealous of his wife's political importance, was brought to consent to her journey. The princess came to Dover. The negotiation was already completed, and all that remained for her to obtain was, that the declaration of war against Holland should not be postponed to the declaration of Charles's conversion, and that the period fixed for the exchange of the ratifications should be abridged. In the latter respect she succeeded, and on the 1st of June 1670 the treaty was secretly signed by the Roman Catholic members of the cabinet, without the privity of their colleagues: time and the questionable religious zeal of Charles decided the other difficulty.

It will be observed that Sir John Dalrymple did not see the original treaty at Versailles, and that all the historical writers who have used his materials have fallen into the very serious error of mistaking the proposal, as it was drawn by Sir R. Bellings on the part of England, for the conditions of the treaty itself as they were finally adopted, with great modifications, by both courts\*. The act is given at full length in the volumes before us.

We are unwilling to deviate from the more precise object of these pages, to enter into the history of the suspicions awakened by the sudden death of the duchess of Orleans, or the discussions which arose on the interpretation and fulfilment of the articles of the treaty. These details, and the manœuvres which were contrived to engage the duke of Buck-

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\* See the 'Pictorial History of England,' vol. iii. p. 707. Dr. Lingard, however, gives a copy of the treaty from that in the possession of Lord Clifford, which is the original. We have ascertained that the treaty does not exist in the State-paper office; for greater secrecy it probably remained in the custody of Sir Thomas Clifford, and is still amongst the papers of his family. It is asserted by all the historians, that the French original has been lost: this is an error, it is in the *Dépôt of Treaties*.

It is not surprising that Hume's knowledge of the conditions was not very accurate, since it was only derived from a cursory perusal of James II.'s *Memoirs*, kept in the Scots' College at Paris, after the first edition of his work had appeared. But it is remarkable that so recent a writer as Sismondi should have fallen into still greater errors (*Histoire des Français*, t. xxv. p. 195). Sismondi appears to have followed Flissan (*Diplomatie Française*, t. iii. p. 386), though Flissan at the time his work was published could have had no access to the treaty itself. The chief mistake is in the amount of the subsidy, which was reduced from 200,000*l.* to two millions of livres. All these writers have also been led to ascribe an undue importance to the journey and intervention of Madame and her pretty attendant, the future duchess of Portsmouth.



ingham and the protestant ministers of the crown of England in the simulated treaty, (which was almost a counterpart of the one already concluded, omitting the conversion of the king,) belong more properly to English history. This last notable contrivance originated with Charles, and the French court assented to it with some reluctance. Lionne observed,—

“Ce que l'on considère ici pour plus fâcheux c'est sur l'issue de l'affaire, savoir s'il faudra à la fin decouvrir la vérité et avouer à des gens qu'on leur aurait fait jouer la comédie, et même un personnage très fâcheux de Coignest qui pense, comme décrit le Chevalier de Jacas, avoir fait le Pont-Neuf, et n'y a pas mis une pierre.”

There is nothing in history marked with a finer vein of comedy than the ostentatious servility of Buckingham in the negotiation of a treaty, which had already been concluded and signed by the very man he was most anxious to thwart and to surpass. The expedient was worthier of a farce than of the alliance of two nations. But the eagerness with which Louis had pursued this negotiation, and the prodigality with which he had purchased its conclusion, were not to be checked by any obstacle. He was intent on the prosecution of his aggressive policy, to which the assent of England was an indispensable condition; and the treaty was brought about, not so much by the weakness of Charles as by the determination of Louis.

In the meantime M. de Witt was not altogether unconscious of the dangerous position in which he stood, although he could not foresee the extent of his peril or measure the intensity of an hostility, which still wore the mask of such consummate dissimulation. In both the first wars of Louis, against Spain and against Holland, not a sign of an offensive movement was made by the French forces until the designated victim had been singled and cut off from the family of nations, and stood unassisted by a single ally to encounter the whole fury of the war. By negotiations, accompanied for the most part with bribes to the ministers of the respective courts, and with the promise of large subsidies to their masters, not only was England engaged to take an active part in the projected campaign, but the princes and dukes of Cologne, Münster, Hanover and Osnabrück were pledged to facilitate the passage of troops; and Sweden, the third party to the Dutch

alliance, had been bought over by the promise of an annual subsidy of 600,000 crowns to lend herself to the vast conspiracy, by engaging to send an army of 16,000 men to the north of Germany to attack those states which might be disposed to assist the United Provinces.

The state of the relations between the courts of St. Germain and Vienna at this time demands a closer notice. On either side the treaty of January 1668 was still held to be in full force. The emperor was induced by M. de Grémonville to refuse his ratification to a treaty unfavourable to France, which had been concluded with Sweden; Louis withheld the countenance which he had given on former occasions to the Hungarian insurgents. At this juncture the imperial cabinet, with more address than it had before displayed, proposed to Louis a triple alliance of the catholic powers of the south, France, Austria and Spain, to counterbalance the triple protestant league of the north of Europe. It required more than the usual art of Lionne to evade so politic and logical a proposal; yet to accept it, and to form a direct alliance with Spain, was to postpone indefinitely the coveted occupation of the rest of Flanders.

"Tout le but du mémoire," said Louis in his private despatch to Grémonville, "ne tend qu'à me lier les mains sans que j'en tire aucun avantage, et à procurer aux Espagnols le plus grand qu'ils puissent désirer; car, par le moyen que l'on propose, ils seraient assurés de demeurer en paix jusqu'à la majorité de leur roi, ou jusqu'à ce qu'ils eussent trouvé un temps auquel leurs affaires étant en meilleur état, et leur parties mieux faites, ils croiraient d'avoir toujours d'assez justes sujets de rompre avec moi. Cependant tout le fondement ou le prétexte de ce grand avantage qu'on veut procurer à l'Espagne n'est autre que de faire craindre l'état ou les affaires pourraient se trouver quand le cas du traité secret arriverait, et toute l'utilité que j'en recevrais ne serait que dans l'imagination."—*Vol. iii. p. 402.*

At the same time, it was obviously of vital importance to prevent the emperor from joining the Dutch triple alliance; and, in order to occupy the attention of the Austrian ministers, Louis put forward a scheme, which had been somewhat loosely adopted by certain members of the council of Castille, for surrendering the whole of Flanders to France in exchange for certain advantages nearer home, and, in particular, upon the condition of abandoning Portugal to be reconquered by the house of Austria.



This proposal, however, was coldly received at Vienna; and a few days afterwards intelligence was received that the life of the young king of Spain was despaired of. It seemed that no time was to be lost in preparing for the great emergency. X Don Juan of Austria, the natural son of Philip IV. and the favourite of his father, already assumed the air of a pretender to the succession. He boldly left Consuegra, retired to Aragon, thence he proceeded to the gates of Madrid, where his presence sufficed to cause a revolution and reduce the regency to the verge of dissolution. *Viva el Rey Don Juan!* and *Muera el mal gobierno!* were the cries already heard in the capital. The cabinet of France was prepared to publish the secret treaty of partition. To the daring proposals of M. de Gremonville, prince Auersperg could only reply, like a timid accomplice trembling at the detection of his share in the robbery of an orchard, "*Per l'amore di Dio teniamo il trattato celato.*" Austria foresaw that if the whole treaty were avowed, Europe would rise with one common accord against her; + and even in Spain the party of Don Juan was sufficiently strong to defy the claims of Leopold on such ignominious terms. But Don Juan lost his opportunity,—he did not enter Madrid at the critical moment,—and the recovery of the king restored the authority of the queen-regent. The danger was past for the time, but the fears of the Spanish government and their efforts to detach the court of Vienna from the influence of France were redoubled.

The situation of the French ambassador became extremely difficult. Prince Auersperg, who had been disappointed of his promised cardinal's hat, which was given to a nephew of Turenne, quarrelled with Gremonville; and prince Lobkowitz, who shortly afterwards succeeded Auersperg, was far less prone to the French policy. Yet it was becoming necessary to disclose to the imperial cabinet the designs of Louis against Holland, in order to secure its neutrality; and for this purpose to communicate, though in a very incomplete and inaccurate statement, the fact of the alliance already concluded with England. An unsuccessful attempt was made to sound the Austrian ministers as to the possibility of admitting England to share in the Treaty of Partition,—Louis, himself having such a treaty with both those powers. But if Louis had swerved from his engagements with Leopold by

some of the stipulations of the treaty of Dover, the emperor on his side had violated his engagements by giving the Spaniards a written promise that he would not again abandon them, and would even, if necessary, join the Triple League. The scene which followed this discovery deserves to be quoted in the words of M. Mignet.

" Lorsque le chevalier de Gremonville connut cet accident il se rendit auprès de l'empereur, lui rappela pathétiquement les soins qu'avait pris le roi pour le maintien de leur union, les promesses qui lui avaient été faites par ses ministres, les assurances qu'il avait constamment données lui-même, le dédain avec lequel on avait traité les démarches de l'Isola, qu'on appelait *visionnaire*, et qu'on disait 'abandonner aux Espagnols comme une poupée aux enfans;' puis il ajouta : 'que le roi son maître avait été étrangement surpris, après tout cela, d'apprendre la vanterie que faisaient les Espagnols, d'avoir obtenu de lui, depuis si long temps, une parole par écrit, de laquelle ils faisaient même voir le contenu.'

" 'Je n'eus pas lâché le mot, écrivit le chevalier de Gremonville à Louis XIV, 'que l'empereur devint pâle comme un mort, ce qui m'aurait assez fait découvrir la vérité, si je ne l'avais su d'ailleurs.' Il feignait de ne pas y croire, dit que ce serait la plus horrible *contravention* aux paroles données et au traité secret, et obligea l'empereur à de nouvelles protestations."—*Vol. iii. p. 493.*

This proceeding of M. de Gremonville, which was worthy of the arrogance of his master, succeeded. He found himself once more master of the field. The language of Louis himself was equally imperious in a despatch which the envoy translated into Italian and read to the emperor word for word.

" Ce sera à l'empereur à choisir s'il veut, ou que je demeure son bon ami, ou que je prenne d'autres mesures ; je ne vous célerai pas même que je souhaite fort qu'il prenne plutôt le premier parti que le second ; mais quand je fais ce souhait, je puis dire sans vanité que c'est bien plus par l'amitié et la tendresse que j'ai pour sa personne que par aucun motif d'intérêt. Il peut bien arriver qu'on me fasse du mal, personne ne doit s'en croire exempt en ce monde ; pour de la peur, on ne me la fera pas assurément, et rien ne sera capable de me faire commettre une bassesse ou une indignité ; aussi bien, plus j'aurai d'affaires, plus j'aurai de gloire, si je sais m'en tirer heureusement ; et qui a de bonnes troupes et de l'argent pour en avoir, dans un besoin, quatre et six fois autant, doit, à mon sens, se mettre bien plus en peine de n'avoir pas matière d'employer et ces troupes et cet argent, qu'il ne peut être fâché que d'autres lui fournissent cette matière, et particulièrement quand on y peut acquérir de la gloire."—*Vol. iii. p. 493.*

The Chevalier declared that he had never seen the imperial attention so excited as whilst he was reading these extraordinary sentences to Leopold :—



" Il ouvrit fort les yeux, et par conséquent les oreilles, sur la proposition que votre majesté faisait de lui laisser le choix du parti d'être son bon ami ou de ne l'être pas ; et à peine eus-je achevé l'endroit qui contenait le plaisir que votre majesté aurait qu'il acceptât le premier, il me dit, avec un visage riant, et une marque de beaucoup de tendresse, ces paroles : ' Anche noi prendiamo volentieri il medesimo partito, sperando che qual si voglia incidente non ci potrà dividere.' Je lui répliquais que cette seule déclaration suffirait à votre majesté pour la persuader qu'il ne s'engagerait jamais en rien contre ses intérêts, quand d'ailleurs les siens et ceux d'Espagne seraient à couvert. Il me répliqua, ' Avremo sempre questa intenzione.' "

—*Vol. iii. p. 494.*

Such were the two sovereigns of Germany and France !

These altercations threatened not unfrequently to rise into personal violence between the ministers of the two countries, and Gremonville had at times almost as much need of his sword as of his pen. " For the last week," says he in one of his letters to the king, " I have been in so violent a negotiation, that I may say that no enterprize or action of war during the four-and-twenty years that I was engaged in it, ever caused me so much labour of mind and body." The empress-mother however had allowed herself to be bribed. The emperor himself, incapable of taking a politic view of the affairs of Europe, was ready enough to sacrifice the Dutch to the anger of Louis, so long as the Spaniards were not attacked; and on the 1st of November, 1671, another treaty was concluded between the courts of France and Austria, by which the former bound itself to maintain the peace of Aix-la-Chapelle with Spain, and the latter agreed to withhold all assistance from the three members of the Triple League, or any one of them, if attacked by Louis. We have already seen, that at this very time, or shortly afterwards, secret treaties had been concluded between France and England and France and Sweden, so that in fact Holland alone was implied by this stipulation.

The period of three years which Louis and Lionne had assigned to their diplomatic operations was drawing to a close, and everything was prepared for the declaration of war in the spring of 1672. What then was the position of Holland ?

Upon looking with attention to these widely extended transactions, which may now be better known to the reader of the volumes before us than to the greatest statesmen at the pe-

X riod in which they occurred, we are irresistibly led to a strong, though perhaps a somewhat singular opinion, that that Triple League, which has been so generally extolled as the triumph of Temple and De Witt, was a great and fatal diplomatic error. We have at present no evidence that, in the whole course of the ten years during which Lionne directed the foreign affairs of France, any equal error was committed on the side of Louis or his advisers. The league with Holland was hailed with the greatest enthusiasm in this country, because it was believed to be calculated to check the dangerous propensities of Charles and the formidable designs of Louis; thus perhaps it has retained from tradition a lustre which might be denied it by truth and reason. As a means of controlling the military progress of Louis, the league was wholly ineffectual. During the winter of 1668, it rather prompted than prevented the irruption into Franche-Comté; and the conditions of the ensuing peace were no other than those which Louis had already expressed his readiness to accept. The war of devolution and the pretensions of Louis were indeed enough to have startled all mankind into one firm and compact alliance of defence; but in our own time, when the relations of states are less perplexed by fraud and corruption, have we not seen that not one campaign, nor the ruin of one nation, but the impending, if not actual, servitude of the whole of Europe were needed, before the conquests of Napoleon brought about a serious and effectual coalition of his victims and his antagonists? Sir W. Temple doubtless felt the necessity of such a combination, but the machinery he put in motion was far too slight. Even at home he knew not that the king, in whose name he was acting, was at that moment personally negotiating on the other side, and that the minister under whom he held his instructions was ere long to sign the treaty of Dover. Far from being the nucleus of a grand coalition, the triple league had within itself no principle of strength, unity, or permanence. It was a mere compromise with a successful enemy, and it surrendered the whole question of right and the whole stringency of the renunciation.

X Temple may have deluded himself, but the error of De Witt was more fatal. If, as was the case, he felt that the existence of his country required that great change in her foreign



alliances which his disinterested patriotism led him to accomplish, he ought to have provided against the possibility of exposing the isolated interest of Holland to the vindictive fury of France. What reliance could he place on Charles II., or on the ponderous intriguers of Stockholm? England and Sweden had little to risk,—their interest in the whole question was secondary; that of the United Provinces involved their national existence. The real basis therefore of an alliance for the purpose of resisting Louis should have been laid between Holland and Spain. De Witt knew enough of the designs of Louis to be aware that he claimed the whole of Flanders, at any rate, as his share of the spoils of the Spanish monarchy; and well would it have been for Holland if, instead of allowing the projects of Louis to grow to full maturity, the grand-pensioner had answered the call of the marquis de Castel-Rodrigo in 1667, and dared at once to confront a policy which nothing but weakness and terror could sanction. If this course was beyond his strength, he should at least not have assented to half measures, which drew on his country the whole resentment of Louis, and scarcely purchased for the States the appearance of a temporary security.

Even the Dutch ministers most hostile to France were conscious of the extreme difficulty and danger of their position. In September, 1669, the French ambassador at the Hague writes thus:—

“Le monstre de la triple alliance me parait perdre de jour en jour quelque partie des forces que l’illusion commune lui avait attribuées, et je ne sais si c’est dans la vue des fausses mesures que cet état a prises, que, parlant il n’y a pas long temps à M. Van Beunninghen des anciennes maximes que l’on a ici abandonnées en s’éloignant de la France, il me dit qu’il voudrait avoir donné un doigt et qu’il fût en leurs mains d’y revenir. Il entendait par là ce que l’on me dit ici tous les jours, que la France a quitté tous les sentimens qu’elle a eu autrefois pour cet état; qu’elle ne veut plus de concert et de liaison avec lui.”—*Fol. iii. p. 596.*

Six months before, the same minister had used the following remarkable language to De Witt himself:—

“Si j’étais Hollandais je pourrais bien voir avec peine la situation de cet état, mais je n’en changerais point les anciennes maximes qui l’ont établi; je pourrais bien regarder avec inquiétude la puissance si voisine de la France, mais je verrais avec une bien plus grande crainte les moyens de m’en ga-

rantir; ne pouvant éloigner la France, et ne pouvant lui opposer que l'Espagne, l'Angleterre et la Suède, j'envisagerais comme un bien moindre péril de me confier à un allié dont j'ai toujours éprouvé l'affection et les assistances, que de m'abandonner à des puissances, les unes irréconciliables, les autres souvent ennemies, et quelques-unes nouvellement offensées. M'accommodant à une disposition du ciel que je ne pourrais changer, je préférerais un moindre danger à un plus grand, et un ami puissant et éprouvé à des ennemis réconciliés et toujours suspects.

"M. de Witt avoua, avec quelque amertume, que les Etats-Généraux ne sauraient compter sur leurs nouveaux alliés. Il entra même dans la haine qu'ils se doivent toujours attendre de l'Espagne, dans le peu d'amitié qu'ils se doivent promettre de la Suède, et surtout dans les occasions toujours proches où ils sont d'un démêlé avec l'Angleterre. Il ne les faisait pas consister seulement dans l'intérêt du commerce, mais autant, pour le moins, dans celui du pavillon."—*Vol. iii. p. 578.*

Holland was formidable to Louis, not by her allies but by herself. She was the watch-dog of Spain; and although the United Provinces were destitute of military resources even to defend their own cities, they were inferior to no other nation in their navy, they were superior to all in their finance; and this power, united to the troops of Spain, might still have disputed the ascendancy of Louis in Europe.

The year 1671 marks the culminating point of the diplomatic genius of the cabinet of Louis. In subsequent years he may have been more formidable and more powerful; but the risks of his exalted position were frightfully multiplied, and more than once, some excess of arrogance or tyranny robbed him in the moment of success of the fruits of his stratagems and his wars. But in this same year the presiding genius of the foreign policy of France and the great pupil of Mazarin expired. M. de Lionne, who for nearly forty years had taken an active part in the greatest affairs of state, and for the last ten had governed the diplomatic relations of Europe, died on the 1st of September, 1671, in the midst of those pleasures to which he was not less devoted than to the vast duties of his master's service.\* Neither in the memoirs of the time, nor in more recent history, has this eminent statesman received that share of political renown which

\* Madame de Lionne, "veuve," as St. Simon calls her, "du plus grand ministre de Louis XIV.," died many years after her husband in extreme indigence. The family of the minister was ruined and dispersed, partly by their own misconduct, partly by the total neglect of the king.



he in reality rather imparted to the reign of Louis than derived from it. His own despatches have at length avenged him of the ingratitude of his contemporaries and the indifference of posterity. Upon very insufficient grounds M. de Turenne has often received the credit of one of the principal political counsellors of the king, although in these volumes there is no intimation that he was privy to the most important secret transactions of the reign. On still more inadequate grounds, the name of the marquis de Louvois has been indissolubly connected with the great actions of Louis, although the only real services he rendered to the state—services very disproportioned to his numerous and incurable errors—were performed in his capacity of a military administrator. The real author of the system of the foreign policy of France was, after Mazarin, Lionne. The inflexible will, the unscrupulous ambition, and the indefatigable industry of the king still pursued an unwavering course; but the prudence that restrained him, and the subtlety which evaded every obstacle were not to be supplied by inferior men.

The marquis de Pomponne was summoned in October, 1671, from Stockholm, to assume the important duties of foreign secretary in France\*. M. de Pomponne had been sent to the Hague by Lionne himself in 1669, as one of the ablest diplomatic servants of the crown; and he had acquitted himself with great dexterity of the task of amusing M. de Witt, by apparently favouring the decided advances of that statesman to France, whilst in fact the whole balance of power in Europe was in the act of turning against him. It was at this period that the report of Van Beuninghen's celebrated medal of Joshua

\* Pomponne was only known to Louis by reputation and by the ability he had shown in various embassies. The appointment was universally approved. "Mais l'emploi," says Louis himself, "que je lui ai donné s'est trouvé trop grand et trop étendu pour lui. J'ai souffert plusieurs années de sa faiblesse, de son opiniâtreté, de son inapplication. Il m'en a coûté des choses considérables; je n'ai pas profité de tous les avantages que je pouvais avoir, et tout cela par complaisance et bonté. Enfin il a fallu que je lui ordonne de se retirer, parceque tout ce qui passait par lui perdait de la grandeur, de la force qu'on doit avoir, en exécutant les ordres d'un roi de France qui n'est pas malheureux." (*Flassan*, vol. iii. p. 473). The immediate cause of Pomponne's disgrace was the circumstance of his having kept in his pocket, whilst he went into the country for some days, a despatch which the king was anxious to see. He was succeeded after the peace of Nymeguen by Colbert de Croissy, of whom Charles II. at least entertained a very mean opinion during his residence in London,—a judgement which the publication of his despatches tends to corroborate. The marquis de Torey, the last foreign minister of Louis, was his son.

stopping the sun was first circulated, with all those additions and imputations which Louis afterwards revenged with such implacable ferocity. Van Beuninghen hastened of his own accord to protest to the ambassador his entire innocence of any intention to affront the king. Lionne's reply is curious, when it is recollected that this very incident was converted a few months afterwards into one of the alleged grounds of the war:—

“J'ai rendu compte au roi de tout ce que M. Van Beuninghen vous a dit sur le sujet de la pretendue médaille de Josué. Sa majesté l'a eu fort agréable, et a dit qu'elle l'avait trouvé et éprouvé si habile homme, qu'elle ne jugerait jamais qu'il eût été capable de commettre une si grande et si téméraire extravagance, et qu'ainsi il ne doit point se mettre en peine que tous les faux bruits qui ont couru aient fait aucune impression sur son esprit.”

In proportion as the cabinet of Madrid discovered that the aggressive designs of Louis were diverted from its own provinces to those of Holland, it relaxed in its efforts to avert them; though, as M. de Lionne had himself observed in one of his letters, “As they have only to look for the favour of the Cyclops, to be eaten last, they are strangely embarrassed.” The increasing danger of the States appeared to close every channel of assistance from without; and to complete the perplexity of De Witt at this crisis, the power which he had exercised in the foreign affairs of his country for several years, with an undivided authority, was now weakened by the entry of the young prince of Orange into public life and into the council of state. The recall of Sir William Temple from the Hague, which took place soon after the signing of the treaty of Dover, had confirmed De Witt's suspicions of the secret intelligence between England and France. “If I return,” said Temple on leaving his illustrious friend, “you shall know more; if I do not return, you will know all.” The Dutch government continued to arm; but M. de Groot, a son of Hugo Grotius, was sent on an embassy to St. Germain especially charged with the defence of the commercial interests of the states. The answer of Louis was repulsive, and he continued to load the Dutch trade with excessive imposts. De Witt was on the horns of a dilemma, in which his policy and his personal safety were both involved. If he openly resisted the prince of Orange, all



hope of assistance from his uncle the king of England was cut off; if he gave way to William, he was himself irretrievably ruined in the Provinces. At such a moment, it is to the honour of De Witt that he did not sacrifice his policy unconditionally to the demands of Louis, and propose to abandon the Spanish provinces of Flanders and the whole principle of the Barrier. But it is questionable whether even that unconditional surrender would then have satisfied the implacable king, who already treated their preparations for defence as "*les fanfaronnades de ces pêcheurs*."

M. de Beverning, who, in spite of his pedantry and his drunken habits, was the most successful of diplomatists, since he is said by Bayle never to have failed in any negotiation, had been sent by De Witt to Madrid. He found that court in strange confusion, and the most influential person in it was a favourite dwarf of the queen-regent, through whom her majesty retailed to the highest bidder the great offices of state. The French ambassador, supposing from what he had witnessed that the Spanish monarchy was to be sold in lots and by auction, was commissioned by Louis to offer to purchase Flanders; and Gremonville was ordered to promise two millions livres to the emperor and one million to Lobkowitz, if they would assist and ensure the sale. But this proposition was not entertained at Madrid, however it might be approved at Vienna.

It was not, however, till the 17th of December 1671 that an engagement was entered into—not at Madrid but at the Hague—between the Spanish ambassador and the States, for the purposes of mutual defence against Louis,—an engagement which, in spite of the joint and vehement exertions of Louis and the king of England at Madrid, was secretly ratified. This occurrence is of the utmost moment. Up to that time the Dutch stood alone, but this declaration identified their interests with those of Spain, and prepared those great changes which supervened in the course of the war. By this decision of the Spanish regency, the court of Vienna was already shaken: and it must be added, that the elector of Brandenburg was pledged to the assistance of the States,—a contingency which M. de Lionne had foreseen when he prepared the diversion which was to be made by Sweden. Nothing

in the meanwhile could exceed the humility of the Dutch envoy in France; but to his supplications for peace Louis returned a terrific reply:—

“ Quand j’ai appris que les Provinces-Unies essayaient de débaucher mes alliés, et sollicitaient des rois mes parents d’entrer en des ligue offensives contre moi, j’ai voulu me mettre en état de me défendre, et j’ai levé quelques troupes; mais je prétends en avoir encore plus vers le printemps, et je m’en servirai en ce temps-là de la manière que je jugerai le plus à propos pour le bien de mon état et pour ma gloire. (Signé) “ LOUIS.” \*

Even to England the United Provinces were prepared to make any concessions. They declared they were ready to give up the entire question of the flag, and that a whole Dutch fleet should salute a single British man-of-war, or the least even of the king’s yachts, provided the king of Great Britain would ensure the fulfilment of the fifth article of the triple alliance in case they were attacked by France. Neither on the side of France or of England was there a shadow of ground for the war; and Charles recalled his minister Downing, lest there should be nothing left for him to demand. He had already received considerable instalments of the subsidy both for his conversion and for the war; and Louis completed his satisfaction, by allowing him to reduce the contingent of English troops from 6000 to 2400 men, who were placed under the command of the duke of Monmouth. On the 29th of March 1672 (after the notorious attempt upon the Smyrna fleet) war was declared in London. A treaty between the two crowns, destined to be made public, had been signed by Colbert de Croissy and the whole Cabal ministry on the 12th of February. The French declaration of war was made in solemn form on the 6th of April, and soon afterwards the operations of the campaign began.

Our limits remind us that a narrative of the events of the war forms no part of the diplomatic history of the reign of Louis. We have shown the persevering ability with which the fundamental idea of the acquisition of Flanders was pursued by the court of France; and it is not too much to assert that, throughout the preliminary negotiations and operations this was the paramount object, to which every other incident was subordinate. The “frontier of the Rhine,” to use the more modern appellation, which is applied in our day to the

\* Vol. iii. p. 659.



same political object, was ever before Louis and never permanently attained. After the peace of Aix-la-Chapelle, the doctrine of the French cabinet was, to use their own words, that "the true means of succeeding in the conquest of the Spanish Low-Countries was to humble the Dutch, and, if possible, to annihilate them\*." The war with Holland, which has commonly, if not universally, been regarded as a wanton aggression, or at most a violent act of revenge, was in reality a profoundly combined measure tending to that ulterior object, which the policy of De Witt had on a former occasion frustrated.

We shall not recapitulate the well-known events of the war, which swept as rapidly over the Provinces as the ocean itself might rush in if the vast barriers which protect the western shores of Holland were intersected or overthrown. Every place of defence had yielded almost without a day's delay. The forces of the Dutch were scattered and unequal even to a single battle. One attempt had already been made on the life of De Witt,—the consternation was universal. Nothing remained but the hope of preserving the religion and the name of Holland. Yet even these were threatened with annihilation. M. de Groot was deputed to sue for peace, and on what terms? He was authorized to offer the cession of the whole country of the generality, which separated the United Provinces from the Spanish Low-Countries, from the Meuse to the mouth of the Scheldt,—Maestricht, Venloo, Bois le Duc, Breda, Bergen-op-Zoom, Sluys, etc.,—the surrender to victorious France of a broad position between the humiliated republic of Holland and the isolated provinces of Spain; and to this was added ten millions for the cost of the war. Such conditions amounted to a complete accomplishment of the policy of Richelieu, Mazarin and Lionne; Spanish Flanders was by these terms *enclavé* in the dominions of France. But Lionne was no more; M. de Pomponne advised Louis to accept the proposal, but he had not sufficient influence over the king; the deplorable ascendancy of Louvois prevailed,

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\* *Mémoire* sent by the marquis de Louvois to the prince de Condé, 1st November 1671. (Mignet, iii. 665).

the conditions were rejected, and, in order to wreak a little more barbarous vengeance on the "miserable fishermen," whom he affected to despise, Louis lost sight, at the critical moment, of the great political object of the war. The counter proposal of France required far more extensive territorial cessions, the establishment of the Roman Catholic church and of the commanderies of Malta in the Seven Provinces, and twenty-four millions of livres for the expenses of the war, besides some further marks of humiliation and disgrace.

† The consequence of these overwhelming pretensions was the resistance of a desperate nation of free men, and an internal revolution in the States, which raised William of Orange to the station of his glorious ancestors. It was thought, and not without reason, that the youthful Stadtholder of that princely house would have personal claims upon his relation the elector of Brandenburg, on Spain, on the Empire, and above all on England, far stronger than the political influence of De Witt. British commissioners arrived to endeavour either to moderate the policy of Louis, or to corrupt his young and patriotic antagonist; but their interference was vain, bound as the English crown still was to be an accomplice in the war. The prince of Orange was determined to resist to the last extremity. Alas! that in the midst of events which had called forth so heroical a resolution on the part of the people of the United Provinces, the annals of the republic should be blotted by the indelible stain of the blood of its greatest citizens, shed by unbridled faction and popular ingratitude. So perished the De Witts, amidst the convulsions (as it seemed) of their perishing country. John de Witt may have erred in some of the grand decisions of his policy; but, if he succumbed to statesmen not greater but only less upright than himself, his fame rests upon the more solid basis of an unshaken and unyielding virtue. In the secret history of these times—we fear it may almost be added, in the diplomatic history of modern Europe—the integrity of John de Witt shines with  
† few rivals. If we look for his parallel in our own day, we may be reminded of the simplicity of his manners, the austerity of his principles and the energy of his character, by the greatest of contemporary statesmen: but M. Guizot has never



been called upon to exercise the undivided responsibility of the grand-pensioner of Holland, nor has he ever found himself face to face with dangers which threatened the annihilation of his country. In England perhaps his friend Temple offers the nearest approach to the character of De Witt, however much in the English diplomacy of our own time the name of Temple may have been dissociated from the qualities which once adorned it.

The re-action caused by the events of the war now rapidly defeated all the laborious and careful diplomatic combinations which had preceded it. At the end of June, Louis might have accomplished his object and remained at peace with Europe; at the end of July a treaty of defence was already concluded between the emperor and the elector of Brandenburg. The imperial army was assembled on the frontiers of Bohemia, under the orders of Montecuculi, and in a few weeks the theatre of war was transferred from Holland to the Rhine; the adversaries of France were no longer the "fishermen" of the United Provinces, but the princes of the German empire. For another year Louis struggled to defer the general rupture, which it was impossible to avert, but in August 1673 a solemn treaty was signed at the Hague between the emperor, the States, the king of Spain and the injured duke of Lorraine; and M. de Gremonville, who had maintained his position to the last, was ordered to quit Vienna. It is not a little remarkable that this able minister, who for nine years had sustained the policy of Louis with every resource of a consummate diplomatist, and who had received substantial marks of the royal favour, should at this moment have altogether disappeared from the scene of politics. He has not even retained a place amongst the throng of names which crowd a biographical dictionary, and our efforts to trace his subsequent fate have been unavailing. It is conjectured that he retired to the abbey of Lire in Normandy, worth some 20,000 livres a-year, which had been bestowed upon him by the king.

In England the House of Commons and the people were exasperated to the last degree against the duke of York's marriage, the French alliance and the Dutch war. In vain

did Louis offer Charles 100,000*l.* to prorogue parliament, in vain did he devote 10,000*l.* to the purchase of parliamentary support. Arlington had given way; Louis himself found it expedient to assent to what he could neither prevent nor avenge; he released Charles from his engagements with a specious assurance of his compassion, and on the 19th of February, 1674, the peace with Holland was signed in London. Shortly afterwards, the conferences for the peace which had been opened at Cologne were broken off; war against France was declared by the Diet of the empire; the French army, which had commenced hostilities by the easy conquest of the United Provinces, was within two years compelled to evacuate all its Dutch acquisitions and turn its whole strength, directed by the genius of Turenne, against the combined forces of the continent of Europe. The whole diplomatic structure which Lionne had raised with so much care and patience had crumbled to pieces. The neutral powers had become hostile, the friendly neutral. Louis stood in that isolated position in which he had before contrived to place his enemies. The military glories of his reign and the energy of his own character rose with these dangers; nor, even when the death of Turenne had exposed the territory of France itself to invasion, and diffused a general gloom over the realm, did the spirit of the king fail. Sweden remained faithful to him, and made a diversion in his favour. Charles II. had contracted another secret treaty with Louis, which he was obliged to copy with his own hand, since not even his most confidential advisers dared to put their names to it or to transcribe it. By this compact Charles bound himself to support the interests of France at the conferences for the peace which were already opened at Nymeguen. At one moment a secret negotiation was commenced between Marshal d'Estrades, one of the French plenipotentiaries at the congress, and Pesters, a confidential agent of the prince of Orange, for a separate treaty between William and Louis, by which the former would have had Maestricht and the duchy of Limburg assigned to him in independent sovereignty. This proposal however was soon broken off, for though William had shown that he was not disinclined to its conditions,



he refused to abandon his allies, and he had a higher object in view.

For several years the Orange party had made its influence felt in the British parliament; and, by the advice of Temple, William chose this time, at which the affairs of Charles were in a state of formidable embarrassment, to repeat his visit to London and to solicit the hand of the princess Mary. Charles was favourable to the marriage, because he thought the popularity of William might counteract the hatred and jealousy of the nation against his brother. James was taken by surprise, and hurried into giving his consent without his approbation; while Louis professed that the first tidings he had received of the marriage were from the public rejoicings in London upon the announcement of it.

The duplicity and vacillations of Charles deprived him of all influence, and at Nymeguen the dignity of England was more fairly represented by the character of her envoy, Temple, than by the policy of her cabinet. In spite of all the obstacles which were to be surmounted, the systematic will of the French court prevailed. Holland at length concluded her treaty of peace, and shortly afterwards the other belligerent parties acceded to the terms of Louis. To this epoch the four volumes of these papers which have been given to the world up to the present time extend.

We have passed more rapidly over the later pages of M. Mignet's work, because, although they are ornamented with some of the happiest and most elaborate sketches and commentaries of that accomplished editor, they chance to contain less of novelty in the original documents interspersed through them, than the volumes from which we have more largely borrowed. With the exception of the curious and hitherto unknown fact, that the prince of Orange had at one moment contemplated a separate treaty with Louis, there is little to be said of the negotiations at Nymeguen which the papers of Temple or of Estrades have not recorded.

It is not, however, amidst the din of fights or the throng of armies that we care to watch the operations of those subtle powers by which, in the long run, the relations of states are determined and the foundations of empires established or

undermined. The combinations of policy and the conquests of the pen are disturbed or paralysed by the more violent casualties of a campaign; and the last place in which diplomatic ability of the highest kind can be exhibited is at one of those congresses towards the close of a war, when the exhaustion of one party and the arrogance of another subject all the contracting powers to conditions which justice and prudence may equally disapprove.

It is not, we repeat, in those scenes of *éclat* that the great statesman seeks or finds his chief or his highest occupation. His ability is as much to be estimated by the evils and dangers he has silently avoided, as by the triumphs he has visibly achieved. During his life he bears the great secret of his task about with him untold; even to posterity the truth is not always confided. The acts of such lives are not recorded in trophies or celebrated by popular applause; but the memorials of their power must be sought, like those paintings with which the Egyptians were wont to deck the halls of their gigantic tombs, in the silent archives of the dead.

We know nothing in history more remarkable than the oblivion from which the publication of these volumes has rescued the fame of such men as Lionne and Gremonville,—another example, if another were needed, of the preferences of fortune for men of action over men of thought. Yet to neither class is wanting a fitting recompense. We have already expressed a high opinion of the industry and talents of Louis; but if he was endowed with a remarkable power of borrowing or extracting from his ablest servants whatever was most conducive to the glory of his reign, he was little able to supply the deficiencies of less powerful minds, or to resist the temptations of unthwarted prosperity. The earlier part of his reign was rendered conspicuous by the qualities of a great prince; the latter years were tarnished by the unrestrained foibles of a weak man.

In following the progress of the negotiations and events which took place between the Peace of the Pyrenees and the Treaty of Nymeguen, we have very faintly expressed the feeling of reprobation which must be roused by the secret annals of those twenty years. But it would be hypocrisy to



deny that there is something in the very progress of human energy and ingenuity directed to a successful issue, that carries with it a degree of interest, if not of sympathy, which we should be ashamed to entertain for its real object; nor would it be just to condemn without extenuation the men, worthy of better things, who made themselves the willing and effectual instruments of such a policy as that of Louis. In their creed all moral duties were comprized in the one precept of unlimited service to the king; in his, all laws were subordinate, not only to his own notions of the royal dignity, but also to the interests and aggrandizement of France. We must rejoice that the free institutions of happier times have established a very different system of public morality, and that they are armed with power to summon the rulers of states to render an account of their foreign relations before the incorruptible tribunal of the general conscience of mankind; for even upon the countries in which such institutions are least known, the public opinion of Europe imposes a reluctant, an insincere, but a cogent recognition of the general principles of international justice. It may be, indeed, that in point of foresight, subtlety and decision, the diplomatic abilities of the ministers of Louis XIV. have not been surpassed in our own or any other age; but we rise from the perusal of these volumes with at least the ennobling conviction, that the political labours of our time are animated by a nobler spirit and directed to a better end.

## ARTICLE VI.

1. *The Kingdom of Christ, delineated in two Essays, etc.* By the Most Rev. R. WHATELY, D.D., Archbishop of Dublin. London: Fellowes, 1841.
2. *The Claims of the Church of England, etc.: a Sermon before the University of Oxford.* By the Rev. B. P. SYMONS, D.D., Warden of Wadham College. Oxford, 1842.
3. *The Via Media: a Sermon before the University of Oxford.* By the Rev. R. W. JELF, D.D., Canon of Christ Church. Oxford, 1842.
4. *The Church Principles of Nice, Rome and Oxford compared with the Christian Principles of the New Testament.* London: Fellowes, 1842.
5. *Three Sermons on the Church.* By the Right Rev. C. J. BLOMFIELD, D.D., Lord Bishop of London. London, 1842.
6. *Reserve in the teaching of Religion: an Ordination Sermon at Christ Church, Dublin.* By the Rev. J. WEST, D.D., Vicar of St. Anne's. Dublin: Curry, 1843.
7. *An Essay on the Miracles recorded in Ecclesiastical History.* By the Rev. J. H. NEWMAN, B.D. Oxford, 1843.

THE dispositions habitually formed and encouraged in the school of worldly interest and ambition peculiarly tend to disqualify the mind for the love of truth, or even the perception of its paramount authority. In direct opposition to a spirit of inquiry, we find the majority of men disposed to place the highest practical wisdom in the maintenance of established systems. Adhere reverently to what has been long adopted,—keep to the old paths,—acquiesce in received views,—defer to general consent,—“lean not to your own understanding,”—such are their favourite maxims. But they do not teach us to *whose* views we are to lean, or allow us to ask *how* general is this consent, *how* remote this antiquity. Though established



among ourselves, are these opinions nowhere doubted or condemned? If at present generally prevalent, were they always so? If now consecrated by their antiquity, were they not once new, or at some period the despised peculiarity of a small minority? Such men, measuring all minds by the standard of their own, are prone to suppose that what *they* have always heard is what has been always taught, and regard as innovation whatever is new *to them*. They proclaim doctrines to be dangerous, because they indeed feel them to be so to themselves; they attempt to silence, where they well know they cannot reply, and calumniate in proportion as they are conscious of their inability to refute. Nor in this hostility to all independent views does any sense of consistency stand in the way. They are ready (according to circumstances) to condemn as perilous novelty the doctrine, which they the next moment assail by decrying its originality, and, confounding it with opinions professed long ago, seek to smother with the raked-up dust of antiquity. Wholly mistrusting their professed principles, they seek for support in the concurrence of others; in their misgiving they feel security only amid numbers, and (as has been well observed by an able writer) they "desire companions in their creed, like children in the dark."\*

In no way is the paramount claim of truth more effectually set aside than by insinuations as to the impossibility of discovering it. Many profess their readiness to yield to truth, if assured they could find it; but they are fond of enlarging on the weakness of the human faculties, the danger of being misled by the imagination and, amid the endless diversity of opinion, the evils of a precipitate decision; in short, they insinuate plainly that certainty is nowhere to be found. Thus, while they religiously condemn scepticism, they uphold the worst kind of scepticism,—that which doubts the very existence of truth.

The wish to check inquiry is defended on the plea that it often leads to error,—that the very spread of enlightenment is ever accompanied by some admixture of what is untrue.

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\* Duncans's Essays, p. 317.

But if mistake cannot be wholly excluded in opening the door to inquiry, is that a reason for keeping it altogether shut? or are evils apprehended from real enlightenment? Is it contended that, though truth may be good abstractedly, it is dangerous to promote it? Is it imagined hazardous to shake established opinions, even though faulty,—to unsettle men's minds even though in error? Is it alleged that prejudices, false in themselves, may yet be salutary in their effects, and that to dispel them would be to hazard the evils of unbounded licentiousness? What is all this pretended scrupulousness but the direct abandonment of truth, the deliberate preference of a short-sighted expediency to the immutable claims of principle? What is it but to discard the obligations of honesty and avow ourselves the allies of fraud? Or do we really doubt the soundness of what may be advanced as truth? The only course is to follow it out: if it be truth, its fair consequences cannot but be good; if otherwise, they alone will prove it error, and error detected is truth.

In a word, if what we fear is the prevalence of error, this is only to be prevented by the more energetic spread of truth: the remedy lies in our own power, and the complaint is idle. If what we fear is the dissemination of truth, while we yet acknowledge it as truth, this is to contradict its essential attributes. Both pleas are absurd, but this is worse, it implies a moral obliquity: to dread error is weakness,—to dread truth, wickedness.

Again: we sometimes hear it formally maintained that there is a moral obligation in our opinions as well as our actions; that not only the will but the reason is responsible; that the correctness of our views is to be determined by spiritual considerations, and not merely depends on the force of conviction, but includes a sense of duty: so that, in fact, true belief is a question not of evidence but of virtue; a just conclusion, not a point of logic but of ethics; assent to proof is to be regulated by religious principles; demonstrations may be virtuous or vicious, axioms pious or profane. False doctrine is censured as apostasy and rebellion, a sound faith applauded as loyalty to Heaven; a departure from the established creed is denounced as perversity, adherence to it upheld as recti-



tude of principle. Thus men deceive themselves, by allowing their prepossessions to impose themselves for the love of truth; thus perseverance in error is applauded, unflinching adherence to a party or a sect becomes the very standard of right,—the desertion of them, however conscientious, the worst of sins. Thus all deficiencies of reasoning are excused in a sacred cause; the most palpable fallacies in argument are overlooked for the excellence of the doctrine deduced, and want of connexion with the premises is a trifling fault in an orthodox conclusion. The end sanctifies the means; frauds become righteous in support of religion, falsehood changes its nature in the service of truth. A pious object cannot be endangered by the dishonesty of its supporters, nor a holy cause injured by false witnesses; to suppress even the most excusable doubts is meritorious; to decline a questionable ground of support is treason to the *cause*.

These general reflections have a close bearing upon the subject of Anglo-Catholicism, to which we are again desirous to call our readers' notice. The question which at the present time, in one form or another, divides the views of all men, is in fact based upon the consideration of what is to be taken as the standard and rule of truth in religious opinions. Is it to be a passive acquiescence in what is put forth as "the teaching of the church," or is it to be found in careful examination and unfettered individual conviction? This is in fact the essential inquiry at last, in whatever peculiar detail of controversy it may previously present itself. It is manifest that both principles alike involve the primary claims of truth. If authority is to decide, what becomes of the essential characteristics of truth, as distinguished from fiction and error? if we are not to investigate freely, how can we recognize it at all? Now while the advocates of "the Catholic principle" are perpetually involving themselves in contradiction, in a vain attempt to reconcile their views with the very existence of truth, there have been found champions on the opposite side who have urged upon them the consideration of those inconsistencies; while, with great ability and learning, they have vindicated the scriptural view of the claims of

Christian teaching, and the legitimate authority of Christian churches over their own members.

In placing at the head of this article one of the most masterly publications of Archbishop Whately, we have consulted the claims which in such a question a production of the most fearless champion of truth must have upon all honest men. The work, indeed, needs not our recommendation; the production of the author's matured judgement, it stands pre-eminent in importance, at a time of theological dissension which demands the services of a giant in controversy.

While others have wasted their strength on subordinate details of the questions at issue, the Archbishop has singled out the essential points, and, grappling at once with the most formidable allegations of his opponents, he has inflicted blows from which their reasonings can never recover, and whose effect is acknowledged in the abuse with which the organs of the party have assailed him. Nothing has wounded more deeply than the exposure of their manifest dishonesty, of their sophistical arguments and extravagant assertions, skilfully advanced wherever they know that they will not be exposed to inconvenient criticism,—and the readiness with which they retreat, whenever attacked, under the shelter of mystery and the awful sanctions with which the divine authority of the church invests them, as her chosen guardians and advocates.

It would be inconsistent with our own principles, not to concede to the Anglo-Catholics the unlimited right of maintaining their opinions as freely as we do ours; but we strenuously protest against their being suffered to urge their doctrines, not simply as their own, but as the doctrines of the Church of England. Even without questioning the interpretation of the formularies of the Church of England, by which they endeavour to make out their consistency in adhering to her communion, there is nothing we would more strongly maintain than the distinction between what *may be held* without invalidating such consistency, and what is to be taught as a part of the tenets of the church. The articles, construed in the most rigorous sense, unquestionably leave many points



open, on which latitude of opinion is therefore consistent with continuance in the communion and ministry of the established church. And this material distinction is forcibly represented, with especial reference to the claims of the Anglo-Catholics, by the Archbishop of Dublin. We extract the passage:—

“ Our reformers believed, no doubt, that their institutions were, on the whole, similar to those of the earliest churches; perhaps they may have believed this similarity to be greater than it really is; but what is the *ground* on which they rested the claim of these institutions to respectful acquiescence?—On the ground of their ‘not being in themselves superstitious and ungodly and *contrary to God’s word*’; on the ground of the ‘power of each particular church to ordain and abrogate or alter’ (though not wantonly and inconsiderately) church-rites and ceremonies, ‘provided nothing be done contrary to Scripture.’ So also they believed, no doubt, that the doctrines they taught, and which they commissioned others to teach, were such as had been taught by the early fathers; and thinking this, they could not but wish that the teaching of the clergy should coincide with that of those fathers. But what was the *rule* laid down, the standard fixed on for ascertaining what should be taught as a part of the Christian religion? It was Holy Scripture; not Scripture and tradition jointly and ‘blended together,’ but the written Word of God; nothing being allowed to be taught as an article of faith that could not thence be proved. Again, they doubtless believed that there were early precedents for the form of church government they maintained, for the different orders of the ministry, and for the mode of appointing each. They believed, no doubt, as a fact, that the Apostles ordained ministers, and these, others; and so on in succession down to the then existing period. But what was the basis on which they deliberately chose to rest their system? On the declared principle, that ‘those and those only are to be accounted as lawfully appointed ministers who are called and sent out by those who have authority in the congregation [or church] to call and send labourers into the Lord’s vineyard;’ and though themselves deliberately adhering to episcopal ordination, they refrain, both in the article on the ‘Church’ and in that on ‘ministering in the Church,’ from specifying episcopacy and episcopal ordination as among the essentials.

“ Some *individuals* among the reformers have in some places used language which may be understood as implying a more strict obligation to conform to ancient precedents than is acknowledged in the articles. But the articles being deliberately and *jointly* drawn up for the very purpose of precisely determining what it was designed should be determined respecting the points they treat of, and in order to supply to the Anglican church their Confession of Faith on these points, it seems impossible that any man of ingenuous mind can appeal from the articles, liturgy and rubric, put forth as the authoritative declarations of the church, to any other writings, whe-

ther by the same or by other authors. On the contrary, the very circumstance that opinions going far beyond what the articles express, or in other respects considerably differing from them, did exist and were *well known* and *current* in the days of the reformers, gives even the *more* force to their deliberate omission of these, and their distinct declaration of what they do mean to maintain.....Whatever therefore may have been the private opinion of any individuals among their number, they have plainly declared what it was they *agreed* in regarding as a safe and sufficient foundation, and as essential, and consequently requiring to be set forth and embodied in the symbol or creed of their church."—Page 148.

X In our former remarks we proved the broad principle of Roman Catholicism to be consistent and intelligible only when carried out to the extent of infallibility, by which it claims an exemption from error or change, from the possibility of corruption or the need of reformation; it becomes the sole judge of its own claims and purity, and the acknowledged tribunal to condemn all pretence whether of novel and private opinion, or of public and ancient testimony, against any portion of its ordinances, or in support of any faith alleged to be purer. By necessary consequence all communions which adhere to the Reformation stand excluded from the pale of the catholic church, and any claim which they may set up to a catholic character can at best only originate in their own private judgement of the solidity of such a title, or of their claim to partake in it.

The same remark is equally valid in respect to all the more precise pretensions and pleas set up as the defences of catholic doctrine, and the means and channels of the transmission of its authority. The traditions of the church—the general consent of its collected voice—the claim to authoritative teaching in the first instance, even if reason or Scripture be afterwards appealed to in confirmation of its assertions—the right to a reserve in religious teaching—the "*disciplina Arcani*"—in a word, the entire claim to dominion over men's consciences,—these, and all the various resulting pretensions of the church, can never possess any validity, or stand relieved from the charge of palpable insufficiency, unless the full extent of divine infallibility be urged in conjunction with them. Upon true Catholic principles, the preservation of tradition, of apostolic powers, of the true stream of saving



doctrine and efficacious ordinances, the continuance of an universal consent in faith and teaching, the perpetuation of higher degrees in the mysteries of an esoteric faith and transcendental holiness veiled from the vulgar gaze,—are all portions of one and the same original divine scheme, committed to the keeping of the church, and maintained in her hands free from all change or corruption. But to pretend to uphold these broad principles, while at the same time we in any degree acquiesce in the reformed system, involves the most preposterous contradiction and absurdity. It will not be superfluous to follow out these reflections with regard to one or two of the more specific pleas thus advanced.

What is termed the “general consent of the Church” is appealed to as if it were clearly recorded and certainly ascertained; but the more we examine either the evidence on which it rests, the terms in which it is propounded, or the clearness with which it is ascertained, the more does the plausibility of such a claim diminish. The further we inquire into the alleged purity of the first ages of the church, or seek to determine what were those pure ages, the more we find ourselves involved in hopeless perplexity. Are we to limit the pure ages to the first three or four centuries, with Waterland and Beveridge, to the fourth or fifth with Ussher, to the sixth with Bramhall, to the first six general councils with Hammond and Stillingfleet (A.D. 680), or to the schism of East and West (A.D. 1054) with Kenn and others? or are we to allow what Mr. Newman has said (with more truth perhaps than would be apparent to most of his readers),—“The precise limit is nowhere—it is a question of degree and place”? These are points on which it is clearly impossible to arrive at any one decision satisfactory to all parties. And if we could find anything like a determinate catholic sentence to settle these matters, we should still be involved in difficulties of another kind, viz. to ascertain what were the doctrines really held and laid down by the church even in those ages which we allowed to be pure. But when all the difficulties respecting general councils and catholic consent are supposed to be overcome, still in the very circumstances

of those assemblies we cannot fail to see grounds of suspicion, which affect their whole character and the entire value of their decisions.

With the slightest knowledge of history, can we avoid recognizing, under the pretensions to spiritual authority, the tyranny of a dominant majority, obtained and exercised by all the arts of skilful worldly policy? Can any one, capable of detecting the motives of human conduct, be now ignorant of the real origin of the seeming unanimity, from the time when the triumphant party, who arrogated to themselves the exclusive title of the Church, began to pursue their ambitious projects? Can we be surprized at consent in doctrine and uniformity of system under the auspices of a series of politic rulers, who, in the full ascendancy of a domineering policy, were never satisfied till they had destroyed, as well as triumphed over, their opponents? Can we be astonished at the conspiring tendency of a series of writings, when we know that all of an opposite tenour were suppressed, extirpated and burnt? Can we wonder at the unbiassed coincidence in opinion among churches, all founded on the same original system, and the great object of whose leaders was solely to perpetuate this uniformity by all the resources of policy and power?—in no way more effectually than in the intercourse kept up between the remotest provinces by the assembling of councils, and lastly by the centralization of the system in the papal chair.

In the little work which we have named at the commencement of this article, entitled ‘*Church Principles*,’ etc. (and which we learn is the production of a lady, though, from the vigour of its style, the closeness of reasoning and varied erudition which it displays, it might well be taken for the work of a masculine understanding), many points of our present argument are powerfully illustrated; and to its connected reasonings we would refer our readers for satisfaction on the whole theory of the sacraments, the authority of the church, and the apostolic succession. We refer to it here more particularly with relation to the question of general councils, as expressing the alleged “consent of the church;” and the inalienable right of private judgement, to which they



are in one sense opposed, while in another their decrees must after all be reduced to the mere expression of it. We will give one observation on this subject in the words of the accomplished authoress, who, after quoting from Mr. Palmer's *Treatise on the Church* a strong assertion of the authority of the first six general councils, says:—

"It is very easy to write things which are very difficult to prove, but the nineteenth century expects and insists upon assertions being proved. When did the six councils obtain this divine authority? Had they consisted of the Apostles only, men inspired by the Holy Ghost, who, from being under the immediate guidance of God's spirit, could not err on such an occasion, it should have been the duty of the Christian church to have received the whole of their opinions without gainsaying; but as these assemblies were entirely composed of persons with no rule of action nor thought but what is open to every other individual, there was no more power given to them than if they were so many men seated in Dr. Pusey's study. The first of these six councils was A.D. 325, which met to oppose the Arian heresy; yet so little authority had this very council upon the times in which it occurred, that in the same century two of the bishops of Rome (infallible by virtue of their office) were Arians! The last of these extraordinarily gifted councils was in 682, and consequently within the Papacy. Then had commenced the conclaves for the election of the popes, which are pompously announced as sitting and acting under the especial inspiration of the Holy Ghost; yet few are so ignorant as not to know that Italian craft, Spanish dollars, and German or French diplomacy, have usually been the *influences* by which the pontiffs have been chosen..... Seeing then that these ancient councils were merely convocations of clergy invited or commanded to meet by a sovereign, they turn out to be nothing more than assemblages of men left to their own judgements, feelings and interests, just as they are at this moment, with no other rule of faith but the Bible, and no other influence than what is granted daily to the prayer of the humblest Christian. Now as these affirmations cannot be refuted, it has to be settled on what principle no one is to be permitted to dissent from antiquity, or how that universal gift of God, THE RIGHT OF PRIVATE JUDGEMENT, is to be set aside. The Puseyites take the liberty they possess of thinking as they choose, not as is chosen for them, and as free men they can do so; but from whence have they any privilege of thought which is not granted to their fellow-creatures? ..... If Dr. Pusey or Mr. Palmer have the right to determine for themselves, how may they deny to their diocesan a similar right to that which they, his inferior clergy, assume? They act upon their *private judgement* in agreeing with the councils; the prelate surely has the freedom to dissent upon the same ground, if he think proper. We trust that the honest boldness of Englishmen will ever claim this right for themselves, and their hearty fairness will ever be ready to allow it to others."—Page 99-102.

We entirely concur in the sentiments here so well expressed, which all bear fully upon the inconsistent pretensions of Anglo-Catholicism. Under that name, indeed, several gradations of opinion are included, which all ascribe more or less of plenary authority to what is called the Church, which authority must yet practically be limited and curtailed, in order to keep up the semblance of propriety in any adherence to the Reformation. The inconsistency so manifest in the ultra Anglo-Catholics is however, if possible, yet more glaring in those who adopt a more modified and mutilated system.

All real and consistent Roman Catholicism necessarily places the Bible in a very subordinate position to the Church; and it cannot be otherwise, so long as the essential principle of that system is retained, under whatever outward modification or disguise. On the other hand, if we once recede from the claims of the church, then "the *sole* authority of the Scriptures" is the only consistent and intelligible plea of any system which takes upon it to reject anything which the Catholic church has at any time retained or enjoined. It is nugatory to pretend to hold a middle course,—to appeal to the Bible as properly the divine word, yet to join with it a sort of authority in the church, not indeed absolutely divine, yet invested with such functions as to entitle it to nearly the same reverence. If there be such a thing as a divine character inherent in Scripture, it follows from the very nature of the case, that there can be no medium between absolute Catholicism on the one hand, and the sole authority of the Bible on the other. To adopt prevalent terms, "the Church" and "the Bible" cannot exist together in co-ordinate authority; they cannot hold divided empire; they cannot be placed on an equality, or stand side by side on independent ground. Either the Bible is founded wholly on the church, or the church on the Bible; either the church possesses an inherent power or divine oracle within itself, and is therefore supreme, or its authority must be established by the declarations of the written word, without any authority to fix the sense in which they shall be taken.

Yet we find an endless variety of views, according to which the admitted divine authority of the Bible is mixed up with



the joint claims of the church, whatever precise distinctions may be admitted in the appropriate functions. In the diversified reasonings put forth in support of what is called the "*Via Media*," we are struck by the absence of any definite standard by which the views of its advocates are regulated. They either oscillate continually between one standard and another, or else confound together all the opposing elements in one incongruous mass. Thus "the Church" and "the Bible" — "primitive antiquity" and "private judgement" — "apostolic claims" yet "unauthoritative teaching" — "obedience" yet "free inquiry," are the antagonist principles, in support of each of which they declaim in turn, while they seem to forget the opposite.

It is often difficult to follow or understand the endless variety of modifications; but in general we find that, while some follow Archbishop Bramhall and Mr. Newman, approaching as nearly as the stumbling-block of the Reformation will allow to *infallibility*, or at least "*indefectibility*," and asserting the divinity of tradition and unwritten revelation, the followers of the "*Via Media*," alarmed at these dangerous extremes, moderate the claims of the church, with Dr. Jackson and others, down to a mere "conditional assent" and "cautionary obedience;" or, with Mr. Gladstone, they consider it as setting before us only "an authorized and probable guide;" or, with some other writers, they claim only a "*presumption*" in favour of the established creed; or, again, they adopt the notion of a sort of "guardianship vested in the church" over its members during the period of their spiritual minority; allowing therefore of some exercise of private judgement, when a due age of maturity in spiritual discretion shall have been attained,—which it may yet be rather difficult to fix.

Implicit submission to a divine authority we can clearly understand, and a rational deference to human judgement is equally defensible; but this kind of recognition of a divine institution, which is only obeyed with such a limited service, is wholly contradictory. We confess ourselves at a loss to discover any intelligible or consistent meaning in this conditional assent, this mere presumption in favour of the system handed down, which yet in some points is held to be flagrantly

corrupt,—in this state of pupillage, of which no one can determine the limits or duration. We ask to whom, or to what, is this prescription or presumption due? is it to the *divine* word in the hands of commissioned dispensers, or to simple *human* authority, whether of opinion or legislation? In the human sense, (and therefore applying equally to all sects and communions) no one denies it: in the divine, surely our obedience must take a far higher character than anything provisional or presumptive. In a word, let such claims be tried by this test,—how would the case have stood at the time of the Reformation? Is the authority such that it might be set at naught when men were convinced that the doctrines it upheld were erroneous?

It would be a task equally needless and wearisome to cite largely from the writings of this school the examples of inconsistency which everywhere abound. We will, however, quote one or two short passages, *instar omnium*. The Warden of Wadham observes:—

“ A spirit of obedience would seem an essential element in the Christian character: the claim to authority over the conscience and conduct is so frequently proposed during the first constitution of the Apostolic churches.”  
—*Sermon, p. 1.*

Nothing can be more true: but who does not see that this Christian obedience and submission of conscience and conduct is claimed in the New Testament with obvious reference to the *divine* authority of the founders of the Christian church; and that nothing can be a more manifest *fallacia suppositionis*, than to transfer the same obligations to the mere uninspired human authority which, the author appears to allow, has alone been continued to the present age. Again he says:—

“ Mere conformity.....is no longer obedience, and no security would be provided against the various evils that might arise from accidental bias, or even from private caprice. ....The principle [of private judgement] is unsound.....subversive of all church authority, and is in fact essentially rationalistic.”—*Page 28.*

The author, nevertheless, himself renounces the claim of infallibility, and freely uses his own judgement in rejecting Romanism!



To take another instance, Dr. Jelf tells us that our faith is to be formed by—

“ the voice of Christian teaching and experience,—by the voice of the Holy Scriptures,—and (in due subordination to that supreme authority, and in harmony with it) the witness of the apostolic church in the earliest and therefore the purest ages.”—*Via Media*, p. 12.

At the same time we are to look up to our teachers as “ neither inspired nor infallible.” (*Page 38.*)

We merely ask, if the Scripture be thus “ supreme,” and these other sources of instruction are to be resorted to in conjunction and in conformity with it, who is to be the judge of that conformity? and to what is the witness of the primitive church given? and how to be determined,—or what are its earliest and purest ages? If on all these points private judgement is not to decide, what authority is? Yet the same writer makes private judgement *sinful*.

“ If,” he says, “ instead of accepting the grounds in the proportion in which God’s providence has made them accessible, each man is to discover for himself the grounds of his belief, to ponder and adjust their relative fitness, and out of them to construct a religion for himself, the attempt is *sinful*.....In religion, as in every other subject of instruction, much must be taken on trust..... Nature herself teaches this trust in his teachers to every child.”—*Pages 23, 24.*

In fact, this claim to a right of teaching on the part of the Church is, in one sense, as clearly its natural and proper function, as it is in another a nugatory and absurd pretence, unless it imply an absolute infallibility and plenary divine commission, as the living depository and oracle of revelation,—presuming the advocates of these views to admit that *there is such a thing as divine revelation*.

The natural office of instruction, implying of course the legitimate authority of a teacher over his disciples, is contested by no one; nor the superiority of such a plan of oral and systematic communication of the elements of religious knowledge, over the process of leaving the learner to collect such information for himself, as he best may. In this sense no elaborate argument is needed to vindicate the assumption of such an office by religious communities, in the dissemination of a knowledge of the truths of Christianity. But this natu-

ral and intelligible view of the subject appears to be strangely perplexed by the writers to whom we have alluded, in their laboured arguments to support some kind of divine commission in what they term "the Church," to exercise a species of authority of a more peculiar kind. The wanton violation of the natural order of teaching to which we have referred would indeed be foolish and mischievous; but to regard it as a sinful rebellion against a divine ordinance is an entire confusion of ideas.

It is manifest then that the whole system of the *Via Media*, +  
—a church not exactly human, nor exactly superhuman in its constitution,—a faith founded partly on inspiration, partly on what is admitted to be uninspired,—a revelation equally manifested in the most valid evidences, and in the merest presumptive fancies,—is in its very nature incongruous and chimerical. Nevertheless it may not only be supported by plausible arguments, but from a variety of motives it actually receives a large share of popular support: in the present position of the Church of England, it has even appeared to hold out the fairest prospect of conciliating opposing parties, and is with this view countenanced by some whose ability and acuteness place them beyond the suspicion of themselves entertaining such incoherent notions. The Bishop of London's 'Three Sermons on the Church' display learning, vigour of writing and eloquence, in support of the policy of reconciling the opposing views of the high and low church parties, by a middle course of amalgamation of doctrines, such as we have alluded to,—and with very reasonable prospects of success: for who can question that, to the apprehensions of the many on either side, all deficiencies, however glaring, will be veiled under the folds of the episcopal mantle, and all fallacies in reasoning smoothed over by the deference felt for so distinguished a prelate.

We will refer to one or two instances. In the second Sermon (p. 30, *et seq.*) the Bishop argues strongly and justly for the necessity of a fixed ministry in the church, and the value of a regular system of church government. But this in the eyes of the Ultras would be no better than mere carnal expediency and rationalistic presumption. It therefore becomes



necessary to make a show of divine interposition; and what can be more satisfactory than the often repeated reference to St. Paul's argument (Rom. x. 14.), "How shall they hear without a preacher, and how shall they preach except they be sent?" etc.—an argument manifestly applying to the case of the *inspired* teachers requisite for the first publication of the Gospel; yet (by a species of logic admirably suited to *via media* apprehensions) readily applicable to uninspired ministers at the present day! Again the assertion of Clemens Romanus\*, that Christ and his apostles did actually institute an episcopal hierarchy, is appealed to as a proof of its divine authority, notwithstanding that the epistle of Clement is *not* Scripture!

Admitting the divine authority of the apostolic succession, it is evident that no point in the whole Christian system can be more vitally essential; because, if true, it directly involves the *sole valid* administration of the sacraments, which constitutes the essential vitality and spiritual existence of Christian churches. Yet the assertion of this doctrine, with all its monstrous consequences,—such as the unchurching of all Presbyterian communions and the like,—might seem to many too harsh towards those respectable sectaries, and might give offence even to moderate churchmen. Thus the advocate of the *via media* finds it necessary to modify his creed, and to allow that, although the episcopal institution is in fact divine, yet it is not so wholly and absolutely divine as to be rigidly and vitally essential; and in support of this, testimonies are adroitly extracted from the favourite authorities of the Anglo-Catholics,—Archbishop Bramhall, Bishop Andrewes, F. Mason, Hooker, and others,—who sometimes forget themselves so far as to admit that Presbyterian ordination may under certain circumstances be valid, or that episcopacy is not absolutely one of the essentials of Christianity, or that an institution may be divine in a greater or less *degree*, so as to allow of some reasonable relaxation or latitude in practice! To such concessions of their own champions what can they say?

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\* Ep. ad Corinth. §§ 42-44.

Another equally impressive argument to support the apostolic succession is found in the antiquity of episcopacy, and the consent of all churches in adopting it. Here again the favourite oracle of Anglo-Catholicism, Archbishop Bramhall, is appealed to, and thus all parties must be satisfied. He throws out a manful challenge to all gainsayers to produce a single instance of a church which did not acknowledge apostolic episcopacy; but at the same time he warily adds,—“I except the *Acephali*, or such disordered persons that had no government at all!” In connexion with this argument a well-known passage of Tertullian is referred to,\* which will also be conclusive with the Anglicists, and seems at first sight powerfully to support their claims: when more carefully examined, however, it is found really to assert nothing of a succession in a transmitted commission, but simply to maintain the legitimate affiliation, as it were, of particular churches by tracing the catalogues of their bishops up to apostolic times.

Again, some heretics have contended against the apostolic origin of episcopacy, that the constitution of the church was originally presbyterian, and was afterwards corrupted and changed into the prelatical form. Now a strong argument to show, from circumstances, the impossibility of such a change taking place, would doubtless pass with the many for a distinct proof that the episcopal must have been the original form. But it would not be to the purpose to recollect that there might be other solutions of the problem; as, for example, in the well-known origin of the constitution of the apostolic churches upon the basis of the Jewish synagogues, and the gradual and natural growth of the later form of episcopacy out of that system. This too would be rationalistic.

We might quote other instances, but these will suffice: we must return to the supporters of the higher Anglo-Catholic theology. No topic connected with this system has excited more attention than their favourite principle of what is termed “RESERVE IN RELIGIOUS TEACHING:” that is, that the church in its collective capacity, acting through its accredited organs, the apostolically ordained priesthood, is au-

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\* De Presc. Heret. 32.



thorized to convey the knowledge of Christian truth in such degrees and modifications as it may judge suitable to the capacities and wants of its disciples or "necessary for its own position;" and thus, while certain dogmas and formularies are held forth to the many, those who have become somewhat further advanced learn to perceive in them a more hidden meaning. In a word, there are higher mysteries, gradually disclosed to the humble and confiding learner, of which only the outward name, the mere husks and chaff, are caught by the inattentive, the self-confident, the carnally-minded, the votary of reason and private judgement. Thus there is in all their doctrine a secret meaning, not discoverable upon the surface, a double sense in their formularies, which speak one language to the many and another to the adepts.

The importance of this question calls for one or two more general remarks in illustration of the real nature of the case.

In *all* teaching there must be reserve; but it is purely of this kind:—of necessity, no subject can be brought at once before the mind of the learner; it must be presented in successive gradations, as the student is able to follow them, the higher being at first unavoidably kept out of sight. But as this arises from the mere necessity of the circumstances of the learner, so it is regulated by the very object of enabling him to advance more freely in the investigation of the subject. Nowhere is this more remarkably the case than in the demonstrative sciences, where the end is to exercise the reasoning faculties, and the more in proportion as the order of demonstration is rigidly observed. So also in regard to religious doctrine, more especially when addressed to the young and ignorant, the judicious teacher may and should use his best discretion in the method of bringing the truth before the disciple, and in selecting the particular portions of the subject and the order in which they are to be studied. But this is on the very ground, that such method and order are the most conducive to the fullest apprehension of the truth of which the learner is as yet capable, and distinctly implies that he is thus to be led on to full inquiry for himself. Again, it will not be questioned that the same truths in substance may be conveyed under some diversity of outward forms of ex-

pression, nor that the discreet preacher is right in adapting his style and manner of illustration to those whom he is addressing.

In the most unrestricted study of the Bible, there are of necessity wide differences in the degree in which the meaning is laid open to different readers. But this is limited only by the qualifications of the inquirer; the sacred writings will present a diversity of meaning to the diversity of apprehension of their readers: this is and must be the case; but it is a very different thing from concealment or reservation *on the part of the writers*. Every reader is urged to advance as far into the sense of the divine word as the light of his understanding will guide him: the progress made by each depends upon his own seeking for improvement.

We admit that a person strongly impressed with the truth of any religious doctrine may shrink from exposing it to the public ear on every occasion: he may not feel called upon at all times and seasons to proclaim it; and the more deep his veneration, the more he may wish to cherish the contemplation of it in his own breast. We allude to this, because it is sometimes alleged in defence of the principle of reserve; but it is really a different case; and the same may be said of all the instances to which we have referred: they are of a totally distinct kind from that systematic reservation claimed on behalf of the *teachers* of the doctrine of the church, which the Catholicists uphold as essential to the right inculcation of the true faith, and to which our present remarks immediately relate.

Again, were this practice, as is sometimes pretended, a mere prudential silence on some of the more abstruse points, yet thus to keep back the truth is tantamount to depriving it of what may be some of its essential portions,—to refuse its essential prerogatives, to endanger its full influence: it cannot be otherwise, in the inculcation of the Christian doctrine. But it would in fact avail nothing, were it true that this system is only that of a negative reservation,—a discretionary withholding of some part of the doctrine which it is not yet expedient to disclose: for when it is admitted that a part is withheld, we never can tell whether the portion so reserved may



not be something which materially modifies, neutralizes, or even overthrows altogether the part which is stated. To this effect Archbishop Whately most justly remarks,—

“ But the charge of teaching something different from what they inwardly believe the advocates of this system repel, by alleging that all they do teach is agreeable to Scripture, although they withhold a part, and do not teach *all* that is to be found in Scripture; as if this did not as effectually constitute two different religions, as if they had added on something of their own; for by expunging or suppressing at pleasure, that which remains may become totally different from what the religion would have been if exhibited as a whole.

“ It has been remarked that every statue existed in the block of marble from which it was carved, and that the sculptor merely *discloses* it by removing the superfluous portions; that the Medicean Venus, for instance, has not in it a single particle which did not originally exist exactly in the same relative position as now, the artist having *added* nothing, but merely *taken away*. Yet the statue is as widely different a thing from the original block as if something had been added.”—Page 167.

Among all parties there may be too many who have one doctrine on their lips and another in their hearts; but the teachers of the Anglo-Catholic school have two doctrines on their very lips; and however their refinements and distinctions may be understood by the more privileged, they cannot but appear to the uninitiated as based upon the very theory of duplicity, as embodying the spirit of dishonesty, and as nothing less than a most fearful tampering with divine truth. Even in a practical light, the professed adoption of such a system must appear unwise and unwarrantable. In owning that they have a reserved meaning, these teachers leave us always uncertain with what degree of reserve they assert anything. How much more or how much less than they say they really mean, we never can tell. We hear them even in the pulpit solemnly affirm things of momentous import, and, *by their own warning, we know not to what extent we are to believe them!*

In fact, among the more extreme advocates of reserve, the principle of “pious frauds” is openly defended. Thus Mr. Newman (*History of the Arians*, p. 81.) appeals directly to the startling expressions of Clemens Alexandrinus, to the effect that the Christian teacher is upon occasion justified, “as

"a physician for the good of his patients, in being *false*, or "uttering a falsehood, as the sophists say." And when this disgraceful avowal is censured by the plain followers and lovers of truth, it is urged as a sufficient reply, that we ought fairly to take into account the whole analogy of the two cases thus compared, upon which, in its more extended view, Clemens founds his argument. But the more we follow up the comparison, the more distinctly do we see that the attempted explanation only aggravates the charge. It first assumes that the physician is justified in thus practising deceit, and secondly that his case is parallel with that of the Christian teacher. Now if the first be passed over, what is the second assumption but a comparison between the efficacy of remedies on a *passive recipient*, and of the doctrines of truth and salvation on a disciple, on whom they are operative only in proportion as he actively realizes them?

The whole of this system has been well exposed in the discourse of Dr. West, which, as he candidly states in his preface, is mainly compiled from recollections of conversational remarks of Archbishop Whately. He justly wishes to draw attention to this doctrine of "reserve," as more fundamentally important in its consequences than any of those lesser points connected with mere externals, and therefore more apt to catch the public attention. In his notes he has more especially illustrated the full iniquity of the system, by copious extracts from the avowed vindication and elaborate defence of it by St. Jerome. To modern readers, the names of the fathers of the church are usually enveloped in a halo of awe and veneration, which few have dissipated by studying their writings; those who do so are often not a little astonished at the reverence which has been so generally accorded to them, with so little real knowledge of the principles they inculcate. The unblushing defence of fraud which several of the fathers put forth, is hardly more reprehensible than the visionary speculations with which they overlay and almost efface the simplicity of the Gospel.

Dr. West has well exposed the pretensions on which their modern followers uphold this practice of duplicity, and the extraordinary presumption with which they arrogate to them-



selves no less than apostolic powers, in the right of dispensing at discretion the truths of which they think they possess the plenary stewardship. Thus he observes:—

“They allege too that in this theory they are imitating the most perfect pattern of wisdom and mercy, even that of God himself, in whose dealings with mankind they trace manifest indications of this ‘economy’ of light and knowledge; as, for instance, amongst others, in his concealing the Gospel at first under the veil of the Mosaic ritual. Now all this might be very defensible *if* it were a system of philosophy of *their own invention* that they were undertaking to teach.”—Page 22.

This remark may serve to suggest a wide field of reflection on the real nature of the principles of this school. “There is much virtue in your *If*,” and it is a question of great importance whether the *if* in this place may not be converted into a tolerable certainty as regards the belief of those who maintain these views,—whether those who think themselves authorized thus to mould and fashion the doctrine, can seriously believe it to have any higher origin than that of a human system,—and whether they really ascribe to its first teachers superior claims to those of the founders of any scheme of human philosophy or moral instruction.

In our preceding remarks we have dwelt chiefly upon the allegations of the Anglo-Catholic school, less with reference to their intrinsic futility or exceptionable nature, than to the extraordinary inconsistency and contradiction which they exhibit. When we reflect upon the pretence they make to argument on the one hand, and the preposterous demand of an abandonment of the use of reason or any appeal to evidence, on the other, which we have shown to characterize the productions of the *ultra* writers, as well as the yet more palpable imbecilities of the ‘*Via Media*’;—when we put in connexion with all this trifling, the fact that some of the writers are men of learning and ability,—some especially of acknowledged skill in reasoning,—to what conclusion can we come but this, that they are perfectly conscious of the fallacies they put forward. That such representations may be adopted without examination by the majority of their followers is extremely probable; but that the leaders themselves should not be fully sensible of the wretched prettexts they are holding

forth, is more than we can believe. We regard this only as a distinct indication that they themselves are really not convinced by a system so contradictory,—an inference which we think completely borne out by their other more distinct admissions and direct speculations, by which the foundations of religious belief altogether are affected.

Let our readers look at the general character and tone of the whole system. When pressed with the objections which arise out of the glaring inconsistencies of their position, the advocates of Anglo-Catholicism find their answer in the alleged insufficiency of reason to judge of divine questions; they condemn such objections as profane scoffing, they silence inquiry and discard the vain pretensions of rational investigation. They fly to mysticism to disguise their misgivings, and in a tone of reverential awe they envelope every kind of contradiction and irrationality in the clouds of inscrutable religious mystery. The obvious tendency of the principle of uninquiring submission to authority is, at the least, eminently unfavourable to any system of real belief, or to the reception of Christianity as based upon any distinctive evidence. It is subjection, not belief, that is demanded; and the votary soon learns to submit, where he may confess himself unconvinced. In thus habitually bowing before an oracle, he loses effectually (if he has not before discarded it) all habitual recurrence to the notion of any connexion between faith and its evidences; he learns from the church herself that in religion all consideration of *truth* is irrelevant.

The serious influence which such views must produce upon the grounds of all religious belief thus becomes a topic of the deepest moment. Nor can it appear less a matter for serious inquiry, when we observe the earnestness with which the advocates of this system are always found to decry and declaim against certain speculative systems, and to condemn them as being openly opposed, if not to Christianity itself, at least to all received views of it, under the name of rationalism,—a name which they well know will readily become a sort of war-cry, and enlist on their side the host of prejudiced and zealous polemics; *while yet these views are in reality so nearly allied to their own, that it is difficult to perceive any real di-*



*stinction.* This view of the case is ably illustrated in the following passage of Archbishop Whately's book:—

"Among those who express the greatest dread and detestation of 'German neology,' 'German philosophy,' 'the daring speculations of the Germans,' etc., are to be found some of that class of Anglican divines whose doctrines apparently correspond the most closely (as far as we can judge respecting two confessedly mystic schools) with those of that very neology. The very circumstance itself that both are schools of mysticism,—that both parties have one system for the mass of mankind, and another (whether expressed in different language or in the same words understood in a totally different sense) for the initiated, affords a presumption, when there are some points of coincidence in the doctrines *divulged*, that a still further agreement may be expected in the *reserved* doctrines.

"As the advocates of reserve among us speak of not intending to inculcate generally such conclusions as a logical reasoner will correctly deduce by following out their principles, and again speak of an ordinary reader as being likely to 'miss their real meaning by not being aware of the peculiar sense in which they employ terms;' so these German transcendentalists whom I allude to, whose system of theology, or rather of atheology, is little else than a new edition of the pantheism of the ancient heathen philosophers, of the Brahmins and the Bhuddists, use a similar double-meaning language. They profess Christianity, and employ profusely such terms as a 'God,' 'truth,' 'incarnation,' 'miracle,' 'immortality,' etc., attaching to these words a meaning quite remote from what is ordinarily understood by them.

....."Both parties agree in deprecating all employment of reasoning in matters pertaining to religion; doth deny the historical evidence of Christianity, and discourage as profane all appeal to evidence; and both disparage miracles considered as a proof of the divine origin of Christianity; alleging that every event that occurs is equally a miracle; meaning therefore exactly what in ordinary language would be expressed by saying that *nothing* is miraculous.

"Other coincidences may be observed; such as the strong desire manifested by both parties to explain away or soften down the line of demarcation between what ordinary Christians call the *Scriptures* and everything subsequent: between what *we* call the Christian revelation, considered as an historical transaction recorded in the New Testament, and any pretended after-revelation, or improvement, or completion, or perfect development of 'the system of true religion.' To Christianity, *as a revelation completed* in our sacred *books*, both parties, more or less openly, according to circumstances, confess their objection.

"And it is remarkable that even the vehement censures pronounced by one of these schools on the speculations of the other, is far from being inconsistent with their fundamental agreement in principles. For of the German neologists themselves, some of the leading writers strongly condemn

the rashness with which some conclusions have been openly stated by others of the same school, and confessedly proceeding on principles fundamentally the same,"—*Kingdom of Christ, Appendix, p. 276.*

These, it may be said, are but vague generalities, and it may be desirable to come more to particulars. The grand argument of course is that on the evidence of miracles : now the favourite pretext of the Anglo-Catholic school is the strong assertion of the miraculous powers ascribed to the church in at least the earlier ages of ecclesiastical history, and a very close identification of them with the powers alleged to be possessed at the present day by the apostolic ministry. To take a single instance ; some of our readers may be startled at the assertion, from the official organ of the party, "that the "change wrought by the consecration of the elements in the "holy communion is as much a miracle as the change of the "wine in the marriage at Cana\*!"

Protestants in general are little versed in the miraculous histories belonging to the earlier ages of the church, and thus not well qualified to enter upon a discussion of them ; the prevailing belief perhaps may too unsuspiciously repose on the assumed credit of the conclusions arrived at by the acute Middleton, the candid Jortin, and others, tending at the least to cast a general shade of doubt over them all, even if a few exceptions be admitted. Some, whether credible or not, have become more familiar ; but it will be desirable to remind our readers of one or two,—such as the marvels which took place on the discovery of the true Cross by the empress Helena,—the supernatural multiplication of the wood of which it was composed, until it became a common saying that there was enough of it in Europe to build a first-rate ship,—as well as the miraculous effects produced by the touch of it. Again, while the holy St. Martin was wandering in a forest, a furious storm brought down a large tree, which was in the very act of falling directly on the saint's head, when he made the sign of the cross, and the tree was whirled aloft and fell at some distance. A priest outwardly orthodox, but inwardly tainted with the dreadful heresy of Arius,

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\* *British Critic*, vol. xxvii. p. 259.



was celebrating mass, and on consecrating the host, the wafer instantly detected the heretical hands which held it, and transformed itself into a cinder! Another instance perhaps is better known from the representations which formed so favourite a subject with the old artists,—the grotesque legend of St. Anthony and his pig, and how the devil tempted him in his solitude in hideous and obscene forms. We refer to these cases, because they are among those now peculiarly dwelt upon. We are taught in the present enlightened age to adopt a far more serious view of these instructive stories: they are now discussed (with what real object we ask our readers to judge for themselves) as avowedly to be placed ON THE SAME LEVEL with narratives which we have been accustomed to regard in a widely different light.

The whole question of the ecclesiastical miracles has received a new and, in many respects, remarkable investigation from Mr. Newman, in an elaborate essay prefaced to his translation of Fleury's '*Ecclesiastical History*,' but also published separately. To discuss the abstract argument would exceed our limits on the present occasion; we will merely observe, that an exact *parallelism* and *equality of general evidence and credibility* between the miracles of *ecclesiastical history* and those of *SCRIPTURE* are throughout contended for. Upon this the author perpetually insists, resolving all objections into the one grand consideration, that the Church is altogether a divine institution, possessing a perpetual supernatural function throughout all ages of its progress. The author freely states the arguments of avowed sceptics,—not with a view to refute them, but only to contend that, whatever inferences we may admit as unfavourable to the ecclesiastical miracles, must by parity of reason apply with equal force to those of Scripture! The credibility of the miracles of the Church is throughout maintained on the assumed ground of its intrinsic divine powers,—a palpable argument in a circle, which a man of Mr. Newman's well-known high logical attainments and acuteness could never *really* fall into.

We shall not go into the argument, but merely give a few of the parallels which our author is so fond of drawing,

in his own peculiar language, and leave our readers to form their opinion of the tenour of the whole; at the same time premising in fairness that the italics are ours:—

“There is not a more startling, yet a more ordinary gift in the history of the first ages of the church than the power of exorcism; while at the same time *it is open to much suspicion, both from the comparative facility of imposture and the intrinsic strangeness of the doctrine it inculcates*. Yet here Scripture has anticipated the Church in all respects; even going the length of relating the possession of brute animals, *which appears so extravagant* when introduced, as instanced above, in the life of Hilarion by St. Jerome. Again, we have a *prototype* of the miracles wrought by *relics* in the resurrection of the corpse which touched Elisha's bones,—a work of divine power, which, whether considered in its appalling greatness, the absence of apparent object, and the means through which it was accomplished, *we should think incredible, with the now prevailing notions of miraculous agency, were we not familiar with it*. Similar precedents for a supernatural presence in things inanimate are found in the miracles wrought by the touch of our Saviour's garments, and by the handkerchiefs and aprons which had been applied to St. Peter's body; not to insist on what is told us about St. Peter's shadow.”—*Essay*, p. lvii.

“Elijah's mantle is another instance of a *relic* endued with miraculous power. Again the multiplication of the wood of the cross (*the fact of which is not here determined*, but must depend on the testimony and other evidence producible) is but *parallel* to Elisha's multiplication of the oil and of the bread and barley, and our Lord's multiplication of the loaves and fishes. Again, the account of the consecrated bread becoming a cinder in unworthy hands, is not so strange as the very first miracle wrought by Moses, the first miracle for evidence recorded in Scripture, when his rod became a serpent and then a rod again; nor stranger than our Lord's first miracle, when water was turned into wine. When the tree was falling upon St. Martin, *he is said* to have caused it to whirl round and fall elsewhere by the sign of the cross: is this *more startling* than Elisha's causing the iron axe-head to swim by throwing a stick into the water?”—*Page* lviii.

“It is objected that the ecclesiastical miracles are not distinct and unsuspicious enough to be true ones, but admit of being plausibly attributed to fraud, collusion, or misstatement in narrators; *yet in like manner* St. Matthew tells us that the Jews persisted in maintaining that the disciples had stolen away our Lord's body, and he did not show himself, when risen, to the Jews; and various other objections, to which it is *painful* to do more than allude, have been made to the other parts of the sacred narrative. It is objected, that St. Gregory's, St. Martin's or St. Hilarion's miracles were not believed when first formally published to the world by Nyssen, Sulpicius and St. Jerome; but it must be remembered that Gibbon observes scoffingly, that ‘the contemporaries of Moses and Joshua beheld with



careless indifference the most amazing miracles ;\* that even an apostle who had attended our Lord through his ministry did not believe his brethren's report of his resurrection, and that St. Paul's supernatural power of punishing offenders was doubted at Corinth by the very parties who had seen his miracles and been his converts."—*Ibid.*

"The Scripture miracles may be distributed into the Mosaic, the prophetic and the evangelical ; of which the first are mainly of a judicial and retributive character, and wrought on a large field ; the last are miracles of mercy, and the intermediate are more or less of a *romantic* or *poetical* cast."—Page lix.

"As the prophetic miracles in a great measure belong to the schools of Elijah and Elisha, so the ecclesiastical have a special connection with the ascetics and solitaries of the orders or families of which they were patriarchs, with St. Anthony, St. Martin and St. Benedict, and other great confessors or reformers, who are the *antitypes of the prophets*. Moreover, much might be said concerning the *romantic* character of the prophetic miracles. Those of Elisha in particular are related, not as parts of the history, but rather as his 'acts,' with a profusion and variety *very like the style of writing which offends us* in the miraculous narratives of ecclesiastical authors."—Page lx.

"Or take again the history of Samson ; what a mysterious *wildness and eccentricity* is impressed upon it, upon the miracles which occur in it, and upon its highly favoured though wayward subject."

The author here quotes a passage, which by the orthodox is held to be highly rationalistic, from Milman's 'History of the Jews' (i. 204), the tone of which, he says, cannot be defended : we confess we can see little different in it from the tone of his own reflections.

We will cite but one more example, which, brief as it is, speaks volumes. We have alluded to the celebrated temptation of St. Anthony ; in another work Mr. Newman remarks, "it is not unworthy to be compared with that of our Lord\*" ! Can we, after all this, be surprized at occasionally catching glimpses of the more esoteric opinions of this school, betrayed in such avowals as these :—

"Faith has all it needs in knowing that God is our Creator and Preserver, and that he *may*, if it so happen, have spoken." . . .

(or, we presume, *if it so happen*, he may *not* have spoken :)

....."Doubt may even be said to be implied in a Christian's faith."—*Newman, on Romanism, etc.*, p. 103.

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\* 'Church of the Fathers,' p. 360.

Again, more distinctly we find it admitted that "faith is "but a balance of difficulties," and that "*to accept revelation at all*, we have but probability to show at most, nay to believe in the *existence of an intelligent Creator*."\*

We place these passages before our readers without comment: we simply ask, whether their bare language, however intended, can be otherwise than deeply offensive to every believer in Scripture, and whether, on the most candid interpretation, any meaning can be put upon that language *consistent with ANY real belief in revelation*.

† The writer of Tract 90 can of course find no difficulty in vindicating the consistency of such ideas with the loftiest pretensions of orthodoxy and honesty: the Christian world may judge differently, and may find these disclosures open their eyes to the true nature of the whole scheme, and stamp it with a far more deadly character than that of any apparent tendency to Popery; as evincing, in fact, nothing less than an entire rejection of all distinctive evidences of Scripture revelation, and, under the most flimsy and transparent professions of faith and sanctity, the adoption of a system undistinguishable from that of rationalism or deism, against which its advocates make so incessant a pretence of declaiming, and infinitely more offensive from the tone of equivocal inference and indirect insinuation in which it is conveyed.

It is doubtless true that there are wide diversities of character among the followers of the Anglo-Catholic school: there are many possessed of extensive learning and profound erudition, but whose minds, not naturally strong, are overloaded with reading; the result is an unhappy confusion of thought, and, with the candid, an unreserved confession that the more extended their knowledge of authors, systems and opinions, the more they become convinced, among the hopeless variety of conflicting views and discordant arguments, of there being no means or prospect of arriving at truth. The further they inquire into the evidences of religion, the less satisfactory does the result of their inquiries become,

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\* Newman, on Romanism, p. 69.



the less can they discover any certain assurance or proof of the grounds of faith in religion, natural or revealed. Thus they sink into a hopeless apathy, and merge all thought in a confused visionary mysticism, which is but the counterpart of universal scepticism: thus also they are led, as the only resource and alternative, to fly at once to the succour which they find in a devotion to ecclesiastical authority, and sink all reflection and inquiry in a prostrate assent to the voice of the Church, under the shelter of whose guardianship alone they profess to repose in security from the strife of conflicting opinions and the gloom of universal doubt. Thus, instead of a household of faith, they make the Church a refuge for those destitute of it.

To all this a ready response is given by the many, who, with an inward indifference to Christianity, are anxious to unite a punctilious outward profession of it. For the worldly-minded, it is far easier to profess unlimited submission, than really to accept the Gospel as true, or even seriously to inquire into its claims. Scriptural Protestantism, as such, is therefore uncongenial to their views; Popery of course is proscribed by their own previous professions; but the pretensions of Anglo-Catholicism offer precisely what they seek. The emptiness and inconsistency of those pretensions constitute no serious objection,—they even conspire to divest the doctrine of too severe a character, and are so far recommendations; moreover they will not be too curiously inquired into by the many, if indeed they be perceived at all. The mutilated church, with its imperfections skilfully disguised, can still practically hold out much to which human nature will fondly cling, especially when better aid cannot conveniently be resorted to. It puts forth pleas which at once easily satisfy the ignorant and careless, the refined and worldly, the learned and sceptical, and harmonize with the various motives which lead men to adopt the external profession of religion, while they assert a sublime influence over the sincere votary. Dispensing with all considerations of truth, and having no reference to internal conviction, it suits equally the views of those who regard religion as a mere matter of feeling or taste, as a question of party or political utility, or lastly as

altogether a popular delusion in which it is yet decent to acquiesce. Such persons can readily assent to Christianity when proposed on grounds which make it no better than a fiction, and can sincerely adopt the happy mythology of tradition, the convenient legend of catholic antiquity.


In declaiming against philosophy, as essentially hostile to and subversive of Christianity, and inveighing against science as undermining the foundations of faith,—affirming that reason, if allowed its unrestricted range, necessarily leads to heresy and disbelief,—they are but echoing the language of the worst calumniators of revelation, who make their very boast of these assertions. Disbelievers triumph in the allegation that religion is altogether founded in priestcraft; and they are met by the friendly assertion that its essence lies in the *ministration and teaching of the priesthood*! sceptics sneer at belief as mere popular error and vulgar prejudice, and they find the exact counterpart of their scoffs in the avowal that the true faith is found only in *general consent* and *universal profession*: they contend that the Gospel is no better than a cunningly devised fable, and the words are taken out of their mouths by those who decry its *historical* evidence.

In aid of all this there comes the system of reserve and esotericism. In the gradations of mystical initiation there is a shade of doctrine for each class of learners; and if in the earlier stages the teacher maintain a close reserve on the great doctrines of Christianity, and from professedly reverential motives decline too familiar a discussion of its evidences, and affect a highly religious tone in decrying reason as insufficient to prove any revelation, or even to assure us of the existence of a God, —to the more advanced, the substantial motive and meaning of all this will fully unfold itself. But to novices, and to the world at large, these more abstruse mysteries, if nakedly stated, might perhaps give offence; they are therefore delicately veiled in that exterior of reverential mystical language which is really but the echo and translation of the like vague and occult insinuations of the disbeliever, and masked by those pious pretensions which are well known to be the surest and easiest passports to respect and admiration, and the most



effectual means of gaining proselytes. Sometimes, however, so extremely thin is the texture of the disguise assumed, that there appears hardly an attempt at concealment,—even a contemptuous sneer at those who can be deluded by such fallacies, and a sort of careless indifference to the obvious inferences which may be drawn. But however successful this system of dishonesty and equivocation, in securing a reception from willing votaries, its pretensions can deceive no one who dispassionately judges of it by its practical results and manifest fruits.

The assumption of an exterior of profound humility extraordinary sanctity, and ascetic devotion, by no means necessarily implies the practice of these virtues in secret, much less any real humiliation of the heart. At the same time that it courts popular reverence and confers a reputation for exalted goodness, it too commonly hides a spirit of pride and censoriousness, of uncharitable bitterness and arrogant presumption, extending even to the length of actual persecution; while its ultimate objects are centered in the aims of worldly ambition and party influence, of clerical domination and personal aggrandizement.



## ARTICLE VII.

*The Oregon Territory.*

1. *Memoir, historical and political, on the North-west coast of North America and the adjacent territories.* By ROBERT GREENHOW, translator and librarian to the Department of State. New York, 1840.
2. *Convention between his Majesty and the United States of America, relative to the Territory on the North-west Coast of America, signed at London, August 6th, 1827.* Presented by command, and ordered by the House of Commons to be printed, 20th June 1828.

THE British Government is at this time called upon to deal with a very pressing question of foreign policy, the settlement of which has become indispensable to the maintenance of pacific relations between England and the United States. It is one of those questions which, having been for many years depending, have gradually grown more intricate and difficult with the progress of events and the lapse of time. It was not affected by Lord Ashburton's treaty, which had reference only to the north-eastern boundary, and did not touch any matters in difference in the north-west. Recent movements in America now show that England has not a day to lose in deciding upon her course of action with respect to this unadjusted dispute, which is, in fact, rather a question of territorial right than of undetermined boundary. The United States claim the exclusive possession of that remaining portion of north-western America between the Rocky Mountains and the sea, the sovereignty of which has not yet been definitively assigned to any one power, and which is commonly called the Oregon territory. This claim has never been admitted by Great Britain, and, although it has on several occasions formed the subject of diplomatic negotiation between the two powers, those negotiations have done little or nothing towards the determination of the question of right, which remains in dispute. It is high time that this important question should be clearly ascertained, and with this convic-



tion we are induced to offer the following remarks upon it. We shall endeavour, as far as our present limits will permit, to disentangle the point at issue from the mass of confused materials which have accumulated about it, and to place the question of right in a discernible point of view.

The country in dispute lies between the parallels of 42° and 49° north latitude, the former parallel being the northern boundary of Mexico, and the latter the acknowledged southern limit of the British possessions. It is bounded on the east by the Rocky mountains, on the west by the Pacific Ocean; and comprises a surface of about 350,000 square miles. It is drained by the Oregon or Columbia river\* and its tributaries. This fine river is the most important feature in the territory; it is navigable as far as the Cascades, 125 miles from the ocean, and its width for 25 miles from its mouth varies from 1 to 7 miles. The Columbia falls into the sea between two headlands,—Cape Disappointment or Hancock, and Cape Adams,—from each of which a sand-bar extends, and over these the waves of the ocean break with terrific violence, as they meet the discharging torrent of the river. The entrance is consequently hazardous at all times, and scarcely possible when the winds are high; and the irregularities of the channel are such, that no vessel drawing more than fourteen feet can proceed far up the river. The Columbia is the only considerable river on this part of the Pacific coast, and its mouth is the only harbour of refuge, with the exception of one other and very inferior port, viz. Bulfinch's or Gray's harbour. In the Strait of Fuca, however, which is within the disputed limits, there are two good harbours,—Port Discovery and Admiralty Inlet,—the coasts of which are described as beautiful and fertile. The agricultural capacities of the country in general do not seem to be very great. Its natural features are a succession of mountain ridges and valleys, or small plains. There are two main ridges besides the Rocky Mountains, namely the Blue and the California Mountains, called by the Americans the President

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\* The name *Oregon* has been supposed to be of Indian derivation, but this is disputed: it is not found in any known vocabularies of Indian languages. We shall speak of it as the Columbia, that name being now in more common use than the other, and having been generally adopted by geographers.

regions\*. The country is thus divided into three different regions: the first from the sea to the California range; the second from that range to the Blue Mountains; and the third from thence to the great range of the Rocky Mountains, in which the Columbia and its tributaries have their sources. The climate of the first region is described as not favourable to great productivity. The summer is very dry, there being no rain from April to October, whilst in the winter months the rain is excessive. Indian corn will not succeed, and the produce of wheat is stated at fifteen bushels per acre, which is but little for a virgin soil. The uplands are heavily timbered, and the forests very fine. The California Mountains rise to the height of 15,000 feet and upwards from the sea. Advancing from the first into the second or middle region, we find ourselves in a country, drier, more elevated and less fertile than that nearer the coast. The plains consist of a yellow sandy clay, covered with grass, small shrubs and prickly pears. The land is not favourable for agriculture, but might be suitable for grazing and sheep, and the climate is healthy. The third region is a desert of steep rocky mountains, intersected with deep narrow valleys called holes, and of wide volcanic plains covered with gravel and sand. The climate is dry to the extreme: there is very little rain, no dewy moisture, and a remarkable difference between the temperature of the day and of the night. This wilderness has no means of supporting a population: and it is only in the first region that any considerable number of inhabitants could ever find the means of subsistence. Upon the whole, therefore, the Oregon territory holds out no great promise as an agricultural field: its value seems to consist mainly in the possession of the Columbia river, and of the harbours in the Strait of Fuca. †

It is principally this last consideration which makes the exclusive proprietorship of the Oregon an object of anxious desire to the Americans. They are in no immediate want of land for the purpose of settlement. They have most ample and fertile districts within their acknowledged territories, capable of supplying the wants of the cultivator for many

\* Seven of the highest peaks have been named after the seven successive presidents of the United States, from Washington to Jackson.



years to come. We have seen that Oregon offers upon the whole very little inducement to agricultural pursuits. No doubt it contains detached portions of good land, but these form the exception and not the rule. It does not contain any precious metals or valuable minerals. The climate is too cold for the cultivation of cotton, rice, coffee, or tobacco. The natives, of whom there are said to be about 20,000, are savages, incapable of useful labour. There is no promise of any productive article of export; and the cultivators, from whatever country they may come, will be labourers more probably for subsistence than for profit. The fur trade has been hitherto the only channel for the advantageous investment of capital in these regions, but that trade is incompatible with the progress of settlement, and must gradually cease as the occupation of the country proceeds. It is easy therefore to understand that the main point with the United States, in pressing for exclusive sovereignty over this region, must be to secure the command of the outlets to the Pacific, the importance of which is sufficiently obvious when we consider the rapid extension of steam-navigation, the probability of a regular passage being effected across the Isthmus of Panama, and above all, the recent opening of new commercial relations with the East. It is true that a formidable obstacle exists to the colonization of the Oregon from overland, for the country east of the Rocky Mountains is for several hundred miles an inhospitable desert, incapable of supplying food, except in the vicinity of the rivers which flow into the Mississippi. The Americans, however, propose to establish a line of posts between the Missouri and the passes of the Rocky Mountains, and they anticipate that the Lewis and Columbia rivers may one day become the channels of traffic between the eastern and western coast. On the other hand, a passage across Panama would bring this coast within a few weeks' voyage from Europe, and so attract emigration from the old world, if the country had in itself (which it has not) any remarkable capacities for colonization.

The Oregon territory, as a whole, has never been exclusively occupied by any one nation. The total number of white inhabitants is probably less than 1000, of which the majority are British, in the service of the Hudson's Bay Com-

pany, and the rest Americans, also engaged in the fur trade. The Company's principal settlement is at Fort Vancouver, on the Columbia; it has also establishments at Fort Colville, Fort Okanagan, Fort Wallawalla, Fort George or Astoria, and on the river Wallamet. The Americans have also a settlement on the Wallamet, and some detached posts west of the Rocky Mountains. They send their furs to the United States by caravans, which meet them at places of *rendezvous*; but their dealings in furs are by no means equal to those of the Hudson's Bay Company, which is the most powerful body in this, as well as all other parts of north-western America. The interests of the Company are, of course, adverse to colonization. Even now, the animals yielding furs and skins are said to be disappearing, and the toils of the hunters and trappers are less profitable than formerly. The Americans are probably not displeased to observe this, and would rejoice still more if the Company should find it necessary to abandon these regions; but, even if such a result should take place, it would be some time before the United States could be prepared to send forth any large body of settlers into the country. Some few emigrants from New York have, we believe, joined the Wallamet settlement, but nothing has certainly yet been done which can be called a systematic colonization of the Oregon territory by the people of the United States. The majority of the white inhabitants have always been subjects of Great Britain.

We have however nothing to do with the question whether this territory would be most beneficially colonized from Europe, or from the eastern states of America. We are inquiring, to whom the right of occupation belongs? what is the nature of the claim of the United States? and what the case of Great Britain? We have not on this occasion the advantage of reference to any recent official declarations of the British government, for no papers on the subject have been presented to Parliament since the convention of 1828; but we have found a very elaborate statement of the American case in the memoir of Mr. Greenhow, a functionary of the United States, which we have prefixed to this article. This memoir may be considered an official document, insofar as it has been printed by authority of the Senate; and we are bound



to acknowledge the very useful service which Mr. Greenhow has thereby rendered to both countries. We are far indeed from concurring in all Mr. Greenhow's views, or in the conclusion to which his memoir is intended to lead; but it is on that account the more incumbent on us to express the high sense we entertain of the industry, ability and good faith which so strongly characterize the work. It extends to 228 pages, and forms a complete history of the western portion of North America. We are quite content to take the case of the United States from Mr. Greenhow's brief, being sure that no fuller or fairer statement of it has yet been, or is likely to be, laid before the public.

It is an established principle of international law, that the prior discovery and occupation of a new country vest in the discovering and occupying power a right of property which no other civilized people can dispute. Discovery is the first step towards a title, but it must be followed up by *bonâ fide* occupation, in order to constitute a right against the rest of the civilized world. This principle is fully recognized by the best jurists\*, who attach little weight to merely formal acts of declaring possession, such as the setting up monuments, crosses or flags, unless followed within a reasonable time by actual settlement. Such ceremonies have of themselves no more force or validity than the bull of the pope, who formerly took upon himself to dispose of newly discovered countries, and affected indeed on one occasion to divide the greater part of the world between Spain and Portugal. Occupation, founded upon a right by discovery, is the only test of absolute proprietorship which the law of nations has formally acknowledged. Prior discovery may be said to confer a right of election to occupy within a reasonable space of time,—a *primâ facie* right, which may be converted, by exercising it, into an absolute proprietorship; and rightful occupation may thus be defined to be, occupation founded either upon prior discovery, or upon the cession or abandonment of his prior right by the first discoverer. It is scarcely necessary to add that *wrongful* occu-

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\* See Vattel, *Droit des Gens*, liv. i. chap. xviii.; Marten's *Précis*, etc., liv. ii. chap. i.; Klüber, *Droit des Gens Moderne*, part ii. titre ii. sec. 126; and Wheaton's *Elements of International Law*, part ii. chap. iv. sec. 5.

pation,—that is, occupation adversely to a discovering power intending actually to exercise its prior right,—cannot under any circumstances confer a valid title.

Let us apply these principles to the circumstances of the case. The facts are briefly these. Previous to the year 1790, the priority of discovery of the north-western coast bordering on the Pacific was a matter in dispute between Spain and Great Britain. This question, even now much debated, has been rendered unimportant by the convention of the Escorial, dated 20th of October, 1790; but we think it clear that the Spaniards were the original discoverers. The coast in dispute was first visited in the year 1542 by a Spanish expedition under the command of Juan Rodriguez de Cabrillo, and it was Bartolomé Ferrelo, the pilot, and afterwards the commander of the expedition, who first advanced as far north as lat.  $44^{\circ}$ , and discovered Cape Blanc, afterwards named by Vancouver Cape Orford. In 1582 a Spanish expedition from Mexico, under Francisco Gali, sailed along the same coast, and is alleged to have pushed as high as lat.  $57\frac{1}{2}^{\circ}$  north. The Spaniards also explored this coast to  $47^{\circ}$  north in the expedition under Juan de Fuca in 1592, and in that under Admiral Fonte to  $55^{\circ}$  north in 1640. In consequence of the results of these voyages, Spain has claimed the honour of being the discovering nation; and although England has disputed this claim on account of the proceedings of Sir Francis Drake in 1579, we really cannot find any ground for attributing the discovery to the English admiral\*. The place where he landed, and performed the ceremony of naming the country New Albion, was in lat.  $38^{\circ}$  north, and there is no satisfactory evidence of Drake having seen any part of the coast north of the 43rd degree of latitude. The assertion of subsequent writers, that Drake reached the 48th degree, is inconsistent with the original account published in Hakluyt's collection of voyages†, and there are circumstances in the case which make

\* Mr. Burke, in noticing the possession taken of California by Drake in 1579, says, "However, I do not find that we have thought of asserting that right since his time; but it may probably employ in some future time the pens of those lawyers who dispute with words what can only be decided by the sword, and will afford large matter upon the right of discovery, occupation, and settlement."—*European Settlements*, vol. i. p. 244.

† See vol. iii. p. 737, of 'Hakluyt's Voyages,' in three volumes, published in the years 1598, 1599, and 1600.



it almost physically impossible that he should have done so. Humboldt\* and Malte-Brun† have investigated this subject very fully, and are decidedly in favour of the prior claim of Spain, as the first discoverer of the north-western coast. But, as we have already said, the point is not now of importance otherwise than in an historical light. Neither power had formed any settlement previous to the dispute of 1789, although both the Spaniards and British (as well as the Russians and French) had landed and performed what they called acts of sovereignty on various parts of the coast. The circumstances of the controversy between Britain and Spain, arising out of the seizure of certain vessels and other property of British subjects at Nootka Sound by the Spanish commander, Martinez, in 1789, are well known. It is too late to inquire now whether Lieutenant John Meares and his companions, as British subjects, were justified in establishing themselves upon a territory to the colonization of which Spain may have had the prior title by discovery. The British government demanded and received satisfaction from Spain for the seizure complained of, and the quarrel was terminated by a treaty, to which we request particular attention, as the terms of it will be found the best exponent of the rights of the parties in our present dispute with the United States.

The treaty between Great Britain and Spain of 1790, commonly called the Convention of the Escorial, provides in the first and second articles for restitution and compensation in respect of the seizures by Spain at Nootka Sound. The third article then proceeds,—

*“In order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested, either in navigating or carrying on their fisheries in the Pacific Ocean, or in the South Seas, or in landing on the coasts of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there; the whole subject nevertheless to the restrictions specified in the three following articles.”*

These restrictions are (by art. 4.), that, to prevent smuggling, British subjects shall not fish within ten leagues of the parts

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\* Political Essay on the Kingdom of New Spain.

† History of Geography.

of the coast occupied by Spain; (by art. 5.) that the subjects of either power shall have free access to any settlements made or to be made by the other, after April 1789, on the north-west coast of North America, or the islands adjacent; and (by art. 6.) that no new settlements shall be formed by either party south of the actual Spanish settlements in South America. This treaty was laid before parliament by Mr. Pitt, and was censured by the then opposition leaders as limiting the previous right of Great Britain to settle where other nations had not already settled. The restriction contained in the 5th article was objected to, and it was contended that the treaty would prevent the possibility of any permanent or useful settlement being formed on the north-west coast. Mr. (now Earl) Grey observed, that "in every place in which we might settle, access was left for the Spaniards; where we might form a settlement on one hill, they might erect a fort upon another. A merchant must run all the risks of a discovery, and all the expenses of establishment, for a property which was liable to be the subject of continual dispute, and which could never be placed upon a permanent footing." The sagacity of these remarks has indeed been fully proved, but at this date we can only take the treaty as we find it, and apply its stipulations to the present state of things.

By virtue then of the convention of the Escorial, the subjects of Great Britain and of Spain possessed equal rights of forming settlements on those parts of the coast now called the Oregon territory, not previously occupied. British subjects have accordingly exercised this right by forming settlements at various periods between the date of the Convention and the present time. The first trading-post was, we believe, established by Mr. Simon Frazer, of the British North-West Company\*, in 1806, on Frazer's Lake. Within a few years after (namely in or about 1811) Mr. Thompson, the astronomer and agent of the same company, planted stations among the Flat-head and Kootanie tribe on the main branch of the Columbia; and subsequently the various posts and settlements of the Hudson's Bay Company have been established in different parts of the country, as we have already stated.

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\* The North-West Company was incorporated with the Hudson's Bay Company in 1821.



It does not appear that Spain has formed any settlement whatever within the territory since the date of the convention, but that she was entitled to do so is sufficiently clear.

The effect of the convention of the Escorial was to equalize the rights of Great Britain and Spain; that is, it settled all differences between them with respect to priority of discovery, and the right of election to colonize. At the date of the convention, no other state pretended to have a better right in this respect than Great Britain, or than Spain. Russia indeed had made certain discoveries on the more northern parts of the coast, upon which she founded claims, but these claims never extended to any territories south of the 51st degree of north latitude, and they have since been limited by the Russian treaties with Great Britain and the United States respectively, to countries lying above the latitude of  $54^{\circ} 40''$  north. The convention of 1790, made as it was between the only two powers then claiming by priority of discovery, and before any occupation whatever of the country had taken place, cannot but be regarded as very strong, we think conclusive, evidence, that at that date no other power besides Great Britain and Spain had a legitimate right to form settlements within the Oregon territory.

Great Britain has not claimed, since 1790, and does not now claim any exclusive sovereignty over the territory in question. Her claim is limited to a right of settlement in it, and of intercourse with the inhabitants. She has admitted that the other party interested in the convention of 1790 possesses similar rights; but she claims the full benefits of the treaty for those British subjects who have settled in the territory upon the faith of its provisions, and she has declared her determination to protect her subjects in the exercise of the rights thus acquired. Such is the substance of the last official declaration of the British government which has been made public. We rejoice to find it so temperate, and, we will add, so just\*.

On the other hand, the United States claim the *exclusive possession* of the territory west of the Rocky Mountains, between the latitudes of  $42^{\circ}$  and  $49^{\circ}$ . We proceed to consider the grounds on which this exclusive claim is attempted to be

\* Summary of British pretensions by the British Commissioners, Mr. Huskisson and Mr. Addington, 1827, cited *infra*.

maintained; but we should in the first place state that, by the convention between the United States and Great Britain, signed in London the 20th of October 1818, it was agreed (art. 2.) that the boundary-line between the two powers, from the Lake of the Woods to the Stony (or Rocky) Mountains should be drawn along the 49th parallel of north latitude; and further (art. 3.), that any country claimed by either party west of the Stony Mountains should be free and open to both powers for ten years, without prejudice to their respective claims, or the claims of any other power. This arrangement was renewed by the subsequent convention, dated the 6th of August 1827, for an indefinite period, with liberty to either party to annul the same, by giving to the other party twelve months' notice to that effect. We believe that no such notice has yet been given on either side; consequently the Oregon territory is at this time open to settlement both by British and Americans. Settlers must, however, run the risk of the ultimate dominion under which the country may fall, and in the meantime submit to the inconvenience of living without a government. The Hudson's Bay Company is the *quasi* government; it has fortunately been armed by royal charter with large powers, and maintains excellent order and discipline amongst those placed under its control.

The conventions of 1818 and 1827 resulted from the inability of the parties to concur in the principles of a definitive arrangement. The unsettled boundary had been the subject of previous negotiations in London in 1807, and was discussed at the time of the signature of the treaty of Ghent in 1814. But we find no diplomatic act in reference to the subject earlier than 1818, except that the treaty of Ghent contained an article, providing "that all territory, places and possessions whatsoever, taken by either party from the other during or after the war, should be restored without delay." The construction put by the Americans upon this article will be presently noticed.

The United States had been in negotiation with Spain previously to their concluding the convention with England in October 1818; and within four months afterwards, viz. on the 22nd February 1819, they effected a treaty with Spain, called the Florida treaty, whereby (art. 3.) it was agreed that



the northern boundary of the Spanish possessions in America should be a line drawn from the source of the river Arkansas, along the 42nd parallel of latitude to the Pacific, and his Catholic Majesty thereby ceded to the United States all his rights, claims and pretensions to any territories north of the said line. In 1828, when the authority of Spain had ceased in North America, the United States concluded a treaty with Mexico, whereby that power also admitted the 42nd parallel to be the boundary-line between the territories of the two republics. Thus the Spanish title to the Oregon territory was acquired by the United States, which have since founded their claim partly on their own acts of occupation, and partly upon the rights which they allege themselves to have acquired from Spain. It will be convenient to consider this claim, first, as it stood in the year 1818, before the Spanish cession; and secondly, as inclusive of the Spanish title, and all other circumstances which could possibly strengthen it from the date of the Florida treaty down to the present time.

The treaty of Ghent having left the boundary west of the Lake of the Woods undetermined, negotiations for the arrangement of the matter took place between the British and American governments in London, in the year 1818. On that occasion the United States claimed the whole of the territory south of the 49th parallel, on the ground of the discovery of the Columbia river, of its first exploration and of the formation of the first establishments in the country through which it flows by American citizens. They did not then assert that the United States had a perfect right, but contended that their claim was at least good against Great Britain. Now, in the first place, this claim is sufficiently answered by the fact, that the alleged American discovery, exploration and occupation, took place posterior to the convention of the Escorial in 1790. By that convention Great Britain and Spain mutually waived their respective claims founded on discovery, and each admitted the right of the other to occupy any part of the country not already occupied. But neither Spain nor Great Britain thereby admitted the right of any third power to colonize; on the contrary, the mutual admission by Great Britain and Spain of each other's right to occupy, is the strongest possible evidence against the validity of the

+ claim of any other state. Say the British and Spaniards, we will cease to dispute whether Cabrillo or Drake was the original discoverer; we will both occupy, as circumstances may suit, upon the principle of first come first served. Such an arrangement is surely the very reverse of admitting a similar  
+ right in any other power. The occupation by any other state, subsequently to 1790, must be founded upon a better right by discovery than that possessed by either Great Britain or Spain; but it is impossible that the United States should possess such better right; for that power had no existence until the year 1783; and during the previous century and a half the north-west coast had been visited and explored by numerous Spanish navigators, from Cortez and Cabrillo down to Heceta, as well as by British navigators, from Drake to Cook and Meares. The Americans may well have admitted the imperfection of their right in 1818, for they could not but be aware that any occupation of theirs was wrongful,—that it was the act of a trespasser,—because the United States themselves had not the shadow of a title by discovery, and they had not at that period acquired any treaty-rights either from Great  
+ Britain or from Spain. The alleged American discovery was the visit of Captain Gray in the *Columbia*, who, on the 11th of May 1792, arrived off the Cape and in the Bay, previously named by Lieutenant Meares Cape Disappointment and Deception Bay, and who entered and sailed some miles up the river Oregon, giving that river the name of the *Columbia*, after his own ship. Now it is notorious that the existence of this river was known long before the voyage of Gray. Washington Irving, in his '*Astoria*,' asserts this broadly,—observing, however, that the information about it was vague, having been gathered chiefly from the Indians. The river was in fact  
+ discovered by the Spanish Captain Bruno Heceta in August 1775; and in the Spanish maps printed within a few years after, the mouth of the river is called *Entrada de Heceta* and *Entrada de Assuncion*, and the river itself *Rio de San Roque*, + Heceta having seen the river on the 15th and 16th of August, which days are respectively the festivals of the Assumption and of St. Roch. Lieutenant Meares explored this part of the coast in July 1788, but without identifying the river, and on this account the Americans have taken to themselves the



credit of the discovery, which, as far as the river is concerned, clearly belongs to Spain. Nor is the claim in any way strengthened by the fact of the river having been explored in the years 1805-6 by the American citizens Clarke and Lewis. We have never heard of an instance in which exploration by a party, not the original discoverer, was admitted as a basis of title. The observations of Messrs. Clarke and Lewis are no doubt highly valuable, but it is idle to cite them as the foundation for a sovereign right. Nor can we acknowledge any weight in the allegation that the Americans formed the first establishments in the country through which the Columbia flows. Supposing it were clear (which it is not) that the American settlement of Astoria (which was formed in 1811, on the south bank of the Columbia, about eight miles from the ocean) was *bond fide* planted before the British posts higher up the river were established by Mr. Thompson and others of the North-West Company (who explored its whole length in that same year, making posts and doing acts of possession as they proceeded), the objection remains, that the American settlement was unauthorized by any American title, and that no argument in favour of a right can be founded on a possession which was simply wrongful. These considerations, no doubt, presented themselves to the government of the United States, when it entered into the temporary arrangement with Great Britain in 1818. Perceiving the weakness of its own title at that period, the American government prudently concluded a ten years' truce with Great Britain, in order that it might have time to acquire new and different rights from a power which stood at least upon an equality with Great Britain, namely Spain. We have seen that the Florida treaty (made in 1819 and ratified in 1821) transferred to the United States all the rights of Spain to the Oregon territory, and that the transfer was acknowledged by Mexico in 1828. Thus the United States undoubtedly placed themselves in the same situation as the power which Mr. Greenhow calls the third and principal claimant, namely Spain; and this brings us to the material question, what were the rights which Spain thus transferred? In the course of the negotiations which took place in London in 1827, the American claims assumed a form very different from that in which

they had been urged in 1818. In 1827 Mr. Gallatin, the plenipotentiary of the United States, then claimed the Oregon territory, from the 42nd to the 49th degree of north latitude, upon various distinct grounds, which we proceed to specify, together with the answers which were made to those pretensions by the British Commissioners on the occasion, the late Mr. Huskisson and Mr. Addington, now one of the under-secretaries of state for foreign affairs.

The United States contended,—

1st. That the Columbia was discovered by Captain Gray, and was first explored by Messrs. Clarke and Lewis, and that the first settlements upon it were established by American citizens.

2nd. That the British government had recognized the title of the United States, by having restored, without reservation, the post of Astoria, pursuant to the treaty of Ghent.

3rd. That the United States had acquired all the titles of Spain, which were derived from the discovery and exploration of the coasts of the region in question by Spanish subjects before they had been seen by any other civilized nation.

4th. That contiguity gave the United States a stronger right to the territory than could be advanced by any other power.

These arguments are the latest officially recorded on the American side. We will state the manner in which they were respectively replied to by Great Britain, adding our own comments as we proceed.

1st. The answer of the British Commissioners to the first argument was, that the Columbia was not discovered by Gray, but by Lieutenant Meares, R.N., and that the exploration by Lewis and Clarke was of no avail; because, if not before, at least in the same and subsequent years, the British North-West Company, by their agent Mr. Thompson, had already established posts on the Columbia. We have already shown the invalidity of this ground of the American claim. Gray was not the first discoverer, neither was Meares, but Meares was undoubtedly prior to Gray. There is some confusion in the Commissioners' assertion, that Thompson's proceedings were contemporaneous with those of Lewis and Clarke. What they must have intended to say is, that



x Thompson founded settlements about the same time as, and probably before, the establishment of Astoria, viz. in the year 1811. But this point is of no importance. We have seen that the United States were not justified in forming settlements, either in 1811 or at any other time prior to the convention of 1818; consequently, any argument founded upon priority of occupation at this period must altogether fail.

+ 2nd. The settlement of Astoria was established by the American Pacific Fur Company, and named after the principal partner in the company, Mr. John Jacob Astor. It did not thrive long, and in October 1813 the whole establishment was bought up by the British North-West Company. But before the transfer of the furs and stock in trade to the purchasers was completed, the British sloop of war *Racoon*, Captain Black, arrived in the Columbia, and on the 12th of December 1813, the two powers being then at war, seized and took possession of the factory, hoisted the British flag in room of the American, and changed the name from Astoria to Fort St. George. The capture of Astoria could not, of course, have been known when the treaty of peace was signed at Ghent, 24th of December 1814. That treaty provides for the mutual restitution of all territories and places taken by the one party from the other during or after the war. It is not clear to us that Astoria, having before its capture been purchased by British from American subjects, fell within the meaning of the treaty at all; however, the British government ordered the restoration of the post, but guarded itself at the same time against thereby admitting the right of the United States. Astoria was accordingly given up to the agent of the United States by Captain Hickey, of H.M.S. *Blossom*, on the 6th of October 1818. The Americans contend that this restitution was unconditional, and is therefore to be taken as an admission of their right to form settlements in the Oregon territory, but this statement was positively denied by the British Commissioners. They alleged that the restitution of Astoria was accompanied by express reservations of the right of Great Britain to the territory on which that settlement was declared to be an encroachment. We are really surprized that the fact of the reservation should be disputed by any one. Lord Castlereagh, on the 4th of February 1818, wrote thus

to the British minister at Washington: "You will observe, " that whilst this government is not disposed to contest with " the American government the point of possession, as it " stood in the Columbia river at the moment of the rupture, " they are not prepared to admit the validity of the title of " the government of the United States to this settlement. In " signifying therefore to Mr. Adams the full acquiescence of " your government in the re-occupation of the limited posi- " tion which the United States held in that river at the " breaking out of the war, *you will at the same time assert in " suitable terms the claim of Great Britain to that territory " upon which the American settlement must be considered an* + " *encroachment* ;"—an instruction which was duly though verbally executed by the British minister to whom it was addressed. Earl Bathurst also, in his despatch to the North-West Company, dated the 27th of January 1818, desires that facilities may be given to the re-occupation of the settlement by the officers of the United States, "*without, however, " admitting the right of that government to the possession in " question.*" Now the memorandum of the act of delivery, dated 6th of October 1818, signed by Captain Hickey and Mr. Keith, of the North-West Company, and acknowledged by Mr. Prevost, agent for the United States, declares, on the face of it, that the restoration is made in obedience to the commands of the Prince-Regent, signified in a despatch from Earl Bathurst to the North-West Company, dated the 27th of January 1818. We cannot see how any clearer evidence could be afforded, that the restitution of Astoria was not intended as an admission of the American claim to the territory in dispute. Mr. Greenhow calls the despatches we have quoted *private communications*, and says, that "with those private despatches the United States have no concern." Surely those despatches cannot be of a private nature, of which the one is addressed to a British envoy with directions to communicate it to the minister of the United States, and the other is recited in the act of restoration as the official authority for that very act. But, in truth, it would have been a most culpable negligence of the British government if they had allowed the restitution of the little post of Astoria to prejudice the general question of right to the whole disputed



territory, from the Rocky Mountains to the sea ; and it appears to us little more than a matter of course, that the British ministers should make such reservations as those which we find recorded to have been actually made.

3rd. The third position of the American plenipotentiary was, that the Florida treaty vested in the United States all the title which Spain previously possessed as the first discoverer and explorer of the north-western coast. We have already remarked that the Spaniards appear to have been the original discoverers of this part of America, and we are therefore ready to admit, that on this ground Great Britain could not establish a right of colonization ; but we do not find that in any of the negotiations with the United States, the British government has relied on a title by discovery. On the contrary, in their reply to the argument with which we are now dealing, the British Commissioners did not attempt to controvert the historical fact of the original discovery by Spain. They treated this point as having become immaterial since the convention of the Escorial, and contended that the titles derived by the United States from Spain by the Florida treaty amounted to nothing more than the rights secured to Spain equally with Great Britain by the convention of 1790, namely, to settle on any part of those countries, to navigate and fish in their waters, and to trade with the natives. Of the correctness of the British Commissioners' view, we do not entertain a doubt. The point is the clearest in the whole case, and it is with some surprize that we find Mr. Greenhow imagines the convention of the Escorial to be not now in force. He thinks that it expired by the breaking out of the war between Spain and Great Britain in October 1796, and that, not having been renewed specifically after the termination of that war, it was not in force at the date of the Florida treaty, and cannot now be appealed to as a subsisting convention. If Mr. Greenhow were as good a lawyer as he is an historian, he would have known that the convention of the Escorial is one of those national compacts called *transitory conventions* ; that such conventions are not put an end to, or even necessarily suspended by war ; but that if suspended, they revive as a matter of course on the restoration of peace, without any express stipulation. There is no difference of

opinion upon this head among the best authorities in international law\*. We shall content ourselves by citing a modern authority, which we are sure will be respected in the United States.

"General compacts between nations," says Mr. Wheaton, "may be divided into what are called *transitory conventions* and treaties properly so termed. *The first are perpetual in their nature, so that, being once carried into effect, they subsist independent of any change in the sovereignty and form of government of the contracting parties; and although their operation may in some cases be suspended during war, they revive on the return of peace without any express stipulation.* Such are treaties of cession, boundary, or exchange of territory, or those which create a permanent servitude in favour of one nation within the territory of another†."

Mr. Wheaton then goes on to cite certain decisions of the supreme court of the United States explanatory of the rule of law in this respect. It was held that the titles of British subjects to lands in America, acquired by them under the treaties of 1783 and 1794, could not be forfeited for alienage by any municipal law of the United States, and that the war which broke out between the two countries in 1812 did not divest British subjects of their rights of property. The supreme court has never admitted the doctrine, that treaties are *ipso facto* extinguished by war, if not revived by renewal on the return of peace; so far from it, it has expressly held that treaties stipulating for permanent rights and general arrangements do not cease on the occurrence of war, but are at most only suspended while it lasts; and, unless they are waived by the parties or new and repugnant stipulations are made, they revive upon the return of peace. Now really, if the convention of the Escorial is not one of a lasting character, stipulating for permanent rights and general arrangements, we do not know what convention can be said to be so. It is not, as Mr. Greenhow justly observes, a commercial treaty; it is a treaty of cession and adjustment of differences. The preamble recites that—

"Their Britannic and Catholic majesties being desirous of terminating, by a speedy and solid agreement, the differences which have lately arisen between the two crowns, have judged that the best way of attaining this

\* See Vattel, *Droit des Gens*, liv. ii. ch. 12. sec. 192; Martens, *Précis*, etc., liv. ii. ch. 2. sec. 58.

† Wheaton's 'Elements of International Law,' part iii. ch. 2. sec. 7.



salutary object would be that of an amicable arrangement, which, setting aside all retrospective discussion of the rights and pretensions of the two parties, *should fix their respective situation for the future* on a basis conformable to their true interests," etc.

The first two clauses express the cession of certain lands and property by Spain to Great Britain, and then the third clause declares, that in order to preserve *in future* a perfect harmony and good understanding between the contracting parties, their respective subjects shall not be disturbed in landing and settling upon unoccupied parts of the Pacific coast. Accordingly, British subjects have formed settlements and have obtained rights by occupation under the convention. The very object of the convention was to protect rights which might be thus acquired: to disturb them, would be to do the very thing which the treaty declares shall not be done, and would therefore be an outrage which Great Britain would be justified in treating as a *casus belli*, if she saw fit. If the American tribunals have held that the supervention of war did not affect British rights acquired by treaty within the United States, much less could the effect of war be to abrogate rights acquired in a territory, of which the sovereignty was disputed, but which it has been solemnly agreed that the subjects of both parties shall for the future be at liberty to occupy. We think it incontestable that the convention of the Escorial has never ceased to be in operation from the day of its date, and that it is now binding upon the United States as the assignee of the rights and obligations of Spain. We therefore fully concur in the soundness of the following summary of this part of the case by the British Commissioners, which is so clear and explicit as to require no further commentary:—

"Great Britain claims no exclusive sovereignty over any portion of the territory on the Pacific between the forty-second and the forty-ninth parallels of latitude; her present claim, not in respect to any part, but to the whole, is limited to a right of joint occupancy in common with other states, leaving the right of exclusive dominion in abeyance; and her pretensions tend to the mere maintenance of her own rights, in resistance to the exclusive character of the pretensions of the United States.

"The rights of Great Britain are recorded and defined in the convention of 1790; they embrace the right to navigate the waters of those countries, to settle in and over any part of them, and to trade with the inhabitants and occupiers of the same. These rights have been peaceably exercised

X ever since the date of that convention, that is, for a period of nearly forty years. Under that convention valuable British interests have grown up in those countries. It is admitted that the United States possess the same rights, although they have been exercised by them only in a single instance, and have not since the year 1813 been exercised at all; but beyond those rights they possess none.

"In the interior of the territory in question, the subjects of Great Britain have had for many years numerous settlements and trading-posts; several of these posts are on the tributary streams of the Columbia; several upon the Columbia itself; some to the northward and others to the southward of that river. And they navigate the Columbia as the sole channel for the conveyance of their produce to the British stations nearest the sea, and for the shipment of it from thence to Great Britain: it is also by the Columbia and its tributary streams that these posts and settlements receive their annual supplies from Great Britain.

"To the interests and establishments which British industry and enterprise have created, Great Britain owes protection; that protection will be given both as regards settlement and freedom of trade and navigation, with every attention not to infringe the co-ordinate rights of the United States; it being the desire of the British government, so long as the joint occupancy continues, to regulate its own obligations by the same rules which govern the obligations of every other occupying party\*."

4th. The last ground of the American claim, namely that of *contiguity*, is altogether untenable. Contiguity may make a given territory more desirable to one state than to another, but it is really preposterous to urge it as the foundation of a right. The Oregon territory is contiguous to the acknowledged dominions of three different powers,—Great Britain, Mexico and the United States. It is yet uncertain how far it might be found practicable to colonize the country overland from the eastern states, for, as we have already said, an almost impassable wilderness extends for several hundred miles east of the Rocky Mountains. If it is to be colonized by sea, there is little practical difference between the contiguity to the United States and to Great Britain. The American plenipotentiary, however, insisted that this doctrine of contiguity had been admitted by Great Britain, inasmuch as she had granted charters to her American colonies extending from the Atlantic to the Pacific, and the claim was still stronger when made by a nation which already occupied the central parts of

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\* Documents laid before the House of Representatives, and cited by Mr. Greenhow.



the American continent, and whose dominions were acknowledged to extend to the Rocky Mountains. He relied also upon the cession by France in 1803 of Louisiana, which he described as extending to the Pacific Ocean. The British Commissioners replied, that Louisiana was a Spanish possession in 1790, and that part of the case was consequently disposed of by the treaty of the Escorial; but that with respect to the charters in question, they could at most be only evidence of a right as between the grantor and the grantee. They formed no part of the law of nations, and, until confirmed by treaty, could not be binding upon any other state. The truth is, that whatever construction the English courts may have placed upon these charters as regards the rights thereby transferred by the crown to its subjects, they never had any validity against titles which other nations might have acquired by the legitimate means of discovery and occupation. The claim of dominion from the Atlantic to the Pacific was always considered ridiculous by reflecting men. Mr. Burke, writing in 1760 on the subject of the boundary disputes then existing with France, says, "Our rights in Nova Scotia have been already ascertained and established in a clear and cogent manner; but with regard to our claims in the Ohio and Mississippi, the rashness of some writers in a matter which is a public concern seems to me very blameable; some of them timidly or ignorantly drawing our territories into a very inconvenient narrowness, whilst others have madly claimed all America from sea to sea; some would give us very narrow bounds, whilst others will hear of no bounds at all\*." But there is another answer to the claim, as put forward in this shape. If the early British charters are really any evidence of a right of dominion from sea to sea, that right, as affects the territory in question, still remains with Great Britain, for it has never been ceded by her to the United States. The title of the United States is founded upon the cessions made by Great Britain, as expressed in the treaty of peace of 1783, and subsequent conventions; and any territory on the north-western coast, not comprized in such cessions, would, if the argument were sound, remain subject to

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\* European Settlements in America, vol. ii. p. 136.

British, not American, sovereignty. The whole case however, which is based upon the doctrine of contiguity, is an illusion; and it is one which, in our judgement, the government of Great Britain is bound to repel to the utmost of its power; for the real meaning of the United States is neither more nor less than to declare, *that they object to any further colonization from Europe of any part of the American continent.* This feeling has exhibited itself too plainly on many occasions; and we find the principle openly asserted in the message of President Monroe to Congress in December 1823, who states that, in the course of the then pending negotiations relative to the north-west coast, "the occasion had been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American continents, *by the free and independent condition which they have assumed and maintain, are henceforth not to be considered subjects for colonization by any European power.*" Here we find a principle avowed, which is as repugnant to the settled rules of international law as it is to the public morality of civilized states. Because the United States are free and independent, European powers are not to form settlements upon their own rightful territories on the American continent! Mr. Greenhow indeed regrets that the President should have been so indiscreet, and thinks it would have been more politic to keep the principle *in petto* than to assert it openly. Such hints and such declarations ought at least to put the British government upon its guard. We are among those who rejoice in the freedom and independence of the United States; but it is the moral duty of individuals, as well as of governments, to protest against doctrines, which if acted upon would necessarily lead to acts of violence and aggression, and to a destruction of the established principles of international law. It is not the freedom and prosperity of the United States, or the convenience of contiguity, which can ever justify their pretensions to the north-western territory. If they desire to acquire a sovereign right, which they do not now possess, they must do what other nations are obliged to do in similar situations, namely endeavour to obtain by negotiation in the proper quarter, and by mutual concessions, a title which they cannot otherwise legitimately maintain.



We have thus stated the nature of the present conflicting claims in respect of the Oregon territory. The result is, that neither Great Britain nor the United States can maintain a valid title to the exclusive sovereignty of the country in dispute, but that both powers have equal rights of resorting to and occupying it, pursuant to the terms of the convention of the Escorial. The United States have the same rights as Great Britain; so far we have freely admitted their claims; but when they carry them further, and demand the exclusive sovereignty and possession, then we have shown such claims to be unfounded, and inadmissible by the British government.

The only way of settling the question of ultimate sovereignty, if all negotiation be hopeless, would seem to be by referring the point to the arbitration of a third power. Various propositions have been made at former periods, but little or no approach toward an adjustment has been effected. In 1824, Great Britain offered to divide the territory by a line to be drawn from the Rocky Mountains westward along the 49th parallel to the nearest head-waters of the Columbia, and thence down the course of the stream to the Pacific,—Britain retaining all to the north, and the United States all to the south of that line. By this arrangement, Great Britain would have received only about 100,000 ~~acres~~ out of the 350,000 acres in dispute; but this offer was declined by the United States, who insisted upon the sovereignty of the whole territory as far north as the 49th degree. In 1826, when the negotiations were resumed, the British government renewed its former proposal and the United States did the same, with the addition, that if the 49th degree should be found to cross any branches of the Columbia at navigable points, then the whole stream should be open to navigation by both nations. Great Britain then enlarged its offer, by adding a detached territory north of the Columbia, embracing Port Discovery and Bulfinch's Harbour; but neither of these modified proposals were considered satisfactory, and we are not aware that any new offer on either side has subsequently been made. The refusal of the United States to accept the offer of nearly two-thirds of the entire territory thus made to them, arose of course from the assumption that they possessed the right to the whole; whereas it is certain that the rights which

British subjects have acquired by occupancy only, pursuant to the treaty, are much more extensive than those to which American citizens have thereby become entitled. It is well known that the Hudson's Bay Company's settlers are the principal occupiers of the districts drained by the Columbia and its branches, which Mr. Greenhow fully admits; and he makes also the important admission, that, as long since as the year 1826, the British were enjoying, almost exclusively, the use and control of the whole country beyond the Rocky Mountains north of the mouth of the Columbia. This is a fact which does certainly vindicate the desire of the British government to retain the sovereignty to the northward of the river; and we really do not see how, considering the protection due to existing British interests, our government could be reasonably expected to consent to placing the navigation of that river and its tributaries at the exclusive command of the United States.

The Americans appear to take it for granted that the Oregon territory has been destined by Providence for the ultimate use of the people of the United States. We have noticed the difficulties which have hitherto obstructed the progress of settlement from overland; those difficulties are altogether of a physical nature; the British government has never placed any obstacles in the way of American settlers, nor would it have been justified in so doing. For ourselves, we do not set any great value upon the country, as an emigration field, either for England or America; but what we do consider of importance to British interests is, that British subjects should not in any event be deprived of the free navigation of the Oregon river and its tributaries, or of the free use of the Strait of Fuca, and the several harbours comprized within the disputed territory. These are rights which it is incumbent on the British government to maintain, as well as to afford all due protection to those British subjects, who in the course of the last fifty-three years have established themselves as occupiers within the territory, pursuant to the terms of the convention of the Escorial.

1790. Whatever means may be the best for bringing to a settlement the question of final sovereignty, it is necessary that those means should be resorted to without a day's delay. We do



not at present perceive any better mode of determining the point than by the arbitration of a third power; nor could the United States reasonably object to refer the point to such a tribunal. We shall sincerely rejoice in the adjustment of differences, which cannot subsist much longer without the utmost danger to the maintenance of peace. The American executive has for some years past been subjected to a strong pressure of public opinion with reference to this question,—a pressure which threatens to compel the executive even to disregard the obligations of existing treaties. The legislature of the United States has frequently been urged to assert its exclusive sovereignty, and to take possession of the entire territory in dispute. In 1821, a committee of the House of Representatives, appointed on the motion of Mr. Floyd, reported “a bill for the occupation of the Columbia, and the regulation of the trade with the Indians in the territories of the United States.” In 1823, the House of Representatives appointed another select committee on the subject, who made a report, annexing a recommendation of General Jesup, quartermaster-general, for the military occupation of the Columbia, pointing out the measures whereby, as he says, “present protection would be afforded to our traders, and on the expiration of the privilege granted to British subjects to trade on the waters of the Columbia, *we should be enabled to remove them from our territory and to secure the whole trade to our own citizens.*” A committee of the Senate has more recently investigated the question, and Senator Linn, the chairman of that committee, has introduced a bill for the military occupation of the Oregon territory accompanied by a scheme for its systematic settlement. How soon some bill of this description may pass both houses it is impossible to say, for great excitement prevails out of doors, which is, of course, fostered and kept alive by the press. We observe, for instance, that on the 1st of October last, a public meeting was held at Philadelphia, at which the rights of the United States were expounded at great length to the people by a Mr. Peter Brown, and it was resolved unanimously “that the United States have a clear and indisputable title to the Oregon territory.” It is the feverish state of public opinion in America which makes it so difficult for the government of the United States to guide its

foreign policy by the rules of justice and moderation, and which also renders it incumbent upon the British government not to suffer existing breaches to widen, but to do the utmost to settle all differences, which it may be possible to adjust upon equitable principles and with a due regard to vested rights. We have said enough to show that Great Britain ought to be now prepared to adopt and to carry out a decided line of policy in regard to this territorial dispute. Conciliation should be carried to the utmost length which justice to British interests will permit; but a firm decision should also be taken not to permit the infringement of treaty-rights, or of those acknowledged rules of international law which are binding upon all civilized states, and without whose observance there can be no permanent security for the preservation of peace.

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ARTICLE VIII.

*Notes of a Traveller on the Social and Political State of France, Prussia, Switzerland, Italy, etc.* By SAMUEL LAING, Esq. London, 1842.

It is not unusual in the tactics of party warfare to seek foreign ground on which to fight out domestic quarrels. In describing what has happened in a distant country, the historian has not to dread severe criticism from those who first learn from him the events to which he calls their notice; and the traveller who relates what he sees abroad, in a style that flatters the prejudices or encourages the speculations of readers at home, need even less fear contradiction.

We have been led to these remarks by the perusal of the 'Notes of a Traveller,' whom we have always esteemed for freshness of observation and fearless impartiality. We regret to find that he has taken Germany evidently in too hasty a manner. Mr. Laing probably thought it as easy to look below the surface and find the truth there as in Norway and Sweden. He is not the first who has failed in this attempt;



but his work is likely to do harm at the present moment, and his reputation as an impartial observer to be used as a cloak for bad party purposes. Chiefly because we have found passages of this work dragged forward to support visionary and highly dangerous views, are we anxious to set the public on their guard.

The history and institutions of Germany have of late years attracted serious attention in the west of Europe. There has been an anxious desire in this country to analyze the springs of national prosperity, to study the development of the popular character of each nation individually, and to perfect the science of statesmanship. Hence it was natural that Germany should be a subject of inquiry with us; for there is no lesson so important as that taught by the history of cognate populations. If one nation find in its path wealth, power and civilization, while another see its resources diminish from year to year, the inference is natural, if no radical difference of character account for the contrast, that it must proceed from the irresistible working of higher influences than those accidental occurrences which chiefly fill the page of the historian.

To the recognition of this truth we ascribe the interest taken in works purporting to search with unbiassed care into the state of contemporary nations, and the causes of their power or weakness. Unfortunately the number that repay the study is scanty indeed. We cannot include Mr. Laing's 'Notes' amongst those which may be perused with unmingled profit.

The traveller begins with speculations of political economy, to which Holland gives occasion. We subjoin the picture of the first impressions made by that country.

"Holland is the land of the chivalry of the middle classes. Here they may say in honest pride, to the hereditary lords and nobles of the earth in the other countries of Europe, 'See what we grocers, fishcurers, and ship-owners have done in days of yore, in this little country!' But, alas! this glory is faded. In the deserted streets of Delft, and Leyden, and Haarlem, the grass is growing through the seams of the brick pavements; the ragged petticoat flutters in the wind out of the drawing-room casements of a palace; the echo of wooden shoes clattering through empty saloons, tells of past magnificence,—of actual indigence. This has been a land of war-

like deed, of high and independent feeling; the home of patriots, of heroes, of scholars, of philosophers, of men of science, of artists, of the persecuted for religious or political opinions from every country, and of the generous spirits who patronised and protected them. Why is the Holland of our times no longer that old Holland of the sixteenth and seventeenth centuries? Why are her streets silent, her canals green with undisturbed slime?"

Now even were we disposed to take this picture literally, to admit that Holland is not so rich as she has been, that her streets are really silent and her canals deserted, that warlike deed, high feeling, science and art, have departed from her shores, yet the reason given for the change would be totally incompetent to account for it.

"The greatness of Holland was founded upon commercial prosperity and capital, not upon productive industry. Her capital and industry were not employed in producing what ministers to human wants and gratifications; but in transmitting what other countries produced, or manufactured, from one country to another. She was their broker. When their capitals, applied at first more beneficially to productive industry, had grown large enough to enter also into the business of circulation, as well as into that of production,—into commerce, properly so called,—the prosperity of Holland, founded upon commerce alone, unsupported by a basis of productive industry within herself, and among the mass of her own population, fell to the ground. This is the history of Holland. It speaks an important lesson to nations."

This is certainly novel language to the ears of men who have been wont to look to commerce as a main source of the national wealth, and the sole foundation of England's greatest boast, her supremacy at sea. But in truth too much is proved in these few sentences; for while the author asserts that commerce is not productive industry, he yet declares the former greatness of Holland to have been founded upon her commercial prosperity and capital. What fund, whence capital could be largely drawn, did Holland possess besides her trade, during the two centuries and a half that she held rank with the first powers of Europe? How has she lost her pre-eminent position, but by losing the great advantages in trade which she once enjoyed? What other mode has she of regaining her lost political and commercial influence, but the adoption of an enlightened system of trade, which will refill her harbours, restore her credit and recruit her navy. After



a very few years of sound commercial activity, without a single factory, and supposing her exports of agricultural produce to cease altogether under the growing demand of an accumulating population, we are much mistaken if Holland would not again appear almost as powerful, and quite as rich, as in the time gone by.

We recommend the careful perusal of the extracts which we are now about to make from Mr. Laing's account of the pauper colonies in Holland. Many, who may be little inclined to trust him as a guide when exposing the theory of trade, may still imagine him likely to give a sound opinion upon agricultural speculations. His being a good farmer, would perhaps of itself sufficiently explain his underrating trade. Besides, Mr. Laing's view of the continental arrangements respecting the tenure of land and the 'petite culture' are what have made him most popular with many readers, and have raised his 'Notes' into a text-book, whence scholars in the Dublin Review can quote and lecture. We must therefore go carefully into his statements, otherwise we shall be unable to follow him when speaking of the great changes introduced early in the present century in Prussia.

"After the peace of 1816, Holland was among the first countries in Europe that was obliged to grapple with a pauperism which threatened to subvert all social arrangements. She established poor colonies on some of the barren, sandy tracts of back country, above and behind the rich alluvial delta of the Rhine and Scheld. In 1821, when Holland and Belgium, united in one monarchy, were recovering from the unsettled idle state in which countries exposed to the agitations and vicissitudes of war are kept—and which is the greatest evil of war—the total population of the two was 5,715,347; and of these, 753,218 persons, or one person nearly in every 7½ of the population, was supported by public charity."

The origin of this pauperism is not traced, but many of our readers will doubtless consider that the date carries some explanation with it, and that pauperism might well appear formidable immediately after a war in which the trade of Holland was annihilated.

In the difficult position in which the government found itself, a scheme for the relief of the poor was proposed, which not only promised immediate alleviation of the evil, but, as it was supposed, would transform the paupers into thriving

land-owners. This was the origin of the well-known pauper colonies of Frederics-oort, founded under the especial patronage of the king, who had a particular talent for administrative details. An unbiassed observer would be likely to take the simple view of the case, that as trade and its great support, credit, had been destroyed by the war, it was wise for the poorer portion of the nation to fall back upon agriculture, at least for a season. Whether strenuous exertions to restore credit and to revive trade would not have been a more judicious policy, we need not discuss. Mr. Laing has a general notion that the cultivation of land, because it produces, must be a more valuable occupation, than carrying what is so produced to the place of consumption. This notion is the cause of the view that he takes of the experiment, which he esteems wise in preference to trade, and as a better speculation than a revival of trade would have presented. We give his account of the colony:—

“The Dutch began, in 1818, to plant poor colonies in the barren tract behind the Zuyder Zee. A society of subscribers to a fund for the diminution of pauperism, aided by assistance from government, purchased an estate near Steenwyk, a small town in that tract of country, and commenced a poor colony, called Frederics-oort, with fifty-two families sent from different parishes, which had subscribed to the fund. The whole cost 56,000 florins, or about 4650*l.* sterling, and its extent was about 1200 acres, of which about 200 had been cultivated, or at least laid into the shape of fields. The poor quality of the land may be imagined from its price. Each family, consisting on an average of six persons of all ages, and settled on an allotment of seven acres, was found to cost in outfit, including the expense of their house, furniture, food, and seed for one year, clothing, flax, and wool for their spinning, land for their cultivating, and two cows, about 1700 florins, or 141*l.* 10*s.* sterling; and in 16 years the colonist was expected to repay this advance by the surplus production of his labour, besides maintaining his family. A strict system of co-operative and coercive labour, under discipline, as in a penal workhouse, was established. The colonist worked by the piece, under inspection of overseers, was paid by a ticket, according to fixed rates, for the different kinds of work, and the ticket was good for rations of food or stores, at the shop or magazine of the society, delivered at fixed and moderate prices. The allotment of land was to become ultimately the colonist's own property, when he had cleared the 1700 florins of advance.”

Here, in addition to the land, each pauper enjoyed a considerable advance in the shape of stock, and it cannot be denied that the experiment was made under most encouraging



circumstances. A similar colony was erected at Wortel in Belgium, and endowed even more liberally.

"This establishment at Wortel had the advantage of four years' experience of the system as carried on at Frederics-oort, which was established in 1818; it had the advantage of being established by Captain Van der Bosh, the son of the original proposer; it had the advantage, if any, of all the government aid from 1822 till the separation of Belgium and Holland; and it has since had the real, and, for the political economist, much greater advantage, of having been left by government to its own resources, to the efficacy of its own principles. It has proved a failure: the colonists who remain are, however, very far above pauperism. Their crops, houses, clothing, indicate very considerable prosperity; but a good house which cost forty pounds sterling, seven acres of land, very barren to be sure, being mere sandy heath, but still capable of improvement, and requiring no draining, or clearing of rocks, roots, trees, or obstructions, are data upon which a pauper may well become rich for his station, *if work also be found him for four days in the week*, and paid for in rations of food, or in stores, and the other two days allowed him for working upon his own rent-free land. The question is, whether the work found for him by the public *pays its cost*, the wages paid for it either in rations of food, or in stores."

If there be any doubt as to the value of the labour, without a demand for which the colony could not exist, Mr. Laing is of course perfectly justified in calling the experiment a failure. Notwithstanding the unproductiveness of trade, it seems that land-produce can be raised which leaves even less profit than trade did. Everything about the colony bears the semblance of prosperity, the people are well-dressed and fed, but it seems that they must seek employment elsewhere for four days in the week, without which extraneous aid the colony could not get on. Perhaps some clue is given to this mystery in the following passage. It seems that even where the capitalist advances land and money, yet that the means of producing are incomplete if the farmer does not give his time, *and that time not valued*, into the bargain:—

"The crops of rye, clover, flax, potatoes, buckwheat, raised on this barren land, both in the penal and in the pauper colony at Wortel, are very fine; and when one sees the miserable, sandy, sterile, heath land, out of which these fertile spots have been created, foot by foot, as it were, by the most minute labour, and the most careful manuring, the ultimate failure with us of almost every attempt to bring such barren wastes into fertility, by grand applications of labour and capital to a large area at once, is easily accounted for. The repetition of work on the same spot, the exposure of

it by repeated turnings to the influence of the atmosphere, the admixture of manure almost by hand with every particle of the raw barren soil, are operations which even capital cannot command, and which hired work upon the large scale cannot profitably accomplish. It is the time only, *and that time not valued*, of the small proprietor, which can fertilize, bit by bit, such land. It is, in one view, certainly not a profitable application of time and labour. They are not repaid in money or other value within any moderate time. In another view it is profitable; the man who would be a pauper, feeds himself by his time and labour, and adds a little, however little, to the perpetual productiveness of his little farm."

In return for mere food, which the small proprietor under favourable circumstances, such as have been described, can get from the soil, he is expected to give himself up to the laborious cultivation of seven acres of land, and to set no value upon his spare time beyond the price of his meals. The pauper feeds himself, and adds a little, however little, to the perpetual productiveness of his farm. This appears to us tantamount to saying, that the interest of the money spent in the purchase of the land and of stock advanced to the small proprietor not being paid, the consolation for the capitalist who loses it lies in the reflection, that he would have had to pay poor's-rates, if he had not advanced the sum thus hazarded. What the *perpetual productiveness* of these lands can mean, we do not venture to guess, unless the time of the unfortunate paupers, which they so badly requite, is to be sacrificed to all eternity to their cultivation. Without this sacrifice it seems that nothing can be got from them.

To assume that trade is unproductive industry, is clearly to beg the question as to the policy of cultivating unfruitful soils under any circumstances whatever. If the trader can bring food from other parts of the world at a cheaper rate, that is to say with less sacrifice of labour and capital, than would be required to grow it in any importing country, it is waste of power to employ men there in agriculture. This forms the only check to an extension of agriculture in populous countries; but it operates in a manner which allows the land to be turned to more remunerating uses. The fact that, in every country where industry is highly developed, the number of people employed in producing food for all forms by far the minority of the population, shows that, where men can raise no more than their own food, their labour and skill are applied very unprofitably.



Taking the question of production abstractedly, it is evident that corn grown in Scotland or at Danzig is not produced for the consumer in London until it is brought thither. Neither the grower of the corn nor the maker of the goods, which the English consumer must exchange for it, would derive the profit that they expect without the power of making an exchange. It is evident, therefore, that the merchant produces at least all the profit that any party obtains from the transaction. Such profit would not have been produced if the corn had remained at Danzig or in Scotland, and the goods which pay for it had been kept in London. The trader cannot be called an unproductive labourer until these facts are denied. We do not therefore perceive the advantage of keeping men who are able and willing to work,—and who consequently have the means of gaining a great deal more than mere food without trespassing upon the charity of any one,—in the condition of the lowest class of labourers, that is to say, of agricultural labourers. That those whose well-meant endeavours are devoted to retain a number of their fellow-creatures in such a position should claim to be benefactors of the poor, seems at least ridiculous. Governments which interfere to enforce such an abuse of the powers of their subjects, incur a serious responsibility.

As a temporary and exceptional measure, the pauper colonies in Holland may be entitled to some share of praise. Unquestionably the feeling of charity had as much to do with their establishment as the desire of gain. But to eulogize them as beneficial undertakings, likely to remunerate either the capitalist or the labourer, shows little insight into the laws which regulate the profits of agriculture and of industry in general. The result shown by Mr. Laing is unquestionably the true one; the experiment could lead to no other. The labourers raised their own food, and nothing more. The good quality of the crops, and the good clothing which they are represented to possess, were evidently obtained through the four days' extraneous labour, which seems to have been paid for at a loss by charitable patrons. We have dwelt the longer upon Mr. Laing's account of this experiment, because it proves so strongly the erroneous nature of the views which he propounds with regard to trade. So sweeping a disparagement of trade

involves more than the reader at first sight perhaps seizes. It would, if adopted as a general notion, cause men to undervalue credit, and consequently punctuality, perseverance and other qualities upon which credit mainly depends. It strikes moreover at the root of education, for who would take the trouble to improve old processes or to invent new ones, if the prospect of exchange did not hold out the strongest inducement to exertion. We shall see that our author is consistent in this respect, only valuing education inasfar as it assists what he calls production, that is to say, the direct manufacture of food and clothing.

But so to estimate human powers, is to take the means for the end. If the end of man's existence be to provide himself with food and clothing, then all sympathy with those who are bound to the soil by feudal ties or a bad poor-law system, and who are thus kept to the kind of labour that is worst remunerated, is superfluous. They are fulfilling their lot, and should not be made to repine. It could on this showing be proved desirable to return to the ancient system of serfage. But if, on the contrary, the professed aim of every invention that serves to increase production in agriculture, or in manufactures, is to release a portion of the labour now directed to mechanical operations and toil, and allow of its being devoted to higher and more refined pursuits,—if, as we believe, the field for human aspirations and activity is boundless, and, were education more perfect, the mere supply of food and clothing would occupy but a small share of the solicitude of man,—then must the error of the following passage be obvious.

“Is a picture, a statue, or a building, so high an effort of the human powers, intellectual and bodily, as a ship, a foundery, a cotton mill, with all their complicated machineries and combinations? We give, in reality, an undue importance to the fine arts—reckon them important because they minister to the gratification, and are among the legitimate and proper enjoyments of kings and important personages; but, like the military profession, or the servile employments about a royal court, their importance is derivative only—is founded on prejudice or fashion, not on sound philosophic grounds. If the exercise of mental and physical power over inert matter for the advantage of man, if moral and physical improvement in our social condition, be the standards by which the importance of human action and production should, in reason, be measured (and to what other standard can they be applied?), the fine arts may descend from the pedestals on which the court literature of the age of Louis XIV. had placed them



in France, and in the little imitative German courts, and range themselves in the rear of the modern applications of science and genius to the useful arts. Raffaele, Michael Angelo, Canova,—immortal artists! sublime producers! what are ye in the sober estimation of reason! The Arkwrights, the Watts, the Davys, the thousands of scientific inventors and producers in the useful arts, in our age, must rank before you, as wielders of great intellectual powers for great social good. The exponent of the civilisation and intellectual and social progress of man is not a statue, but a steam-engine."

It is remarkable, considering the practical turn of Mr. Laing's mind, that it did not occur to him, that without many speculations which in the times of antiquity and in the middle ages had no immediate connexion with looms and threshing-machines, the steam-engine itself would scarcely have been constructed. We fear it would be superfluous to allude to the inseparable connexion that exists between moral and material beauty, and of the tendency of the latter to lead the mind to the former. But if the imprint of beauty stamped by the great Artist upon every object of nature that surrounds us—even for those who deny that it was given for the purpose of humanizing and refining the mind of man—have any merit (as much for instance as the pattern on a Manchester piece), it should not be considered as a perfect waste of intellect, nor be made to descend from its pedestal, because it sows not, neither does it reap,—because the natural agents, unassisted by a steam-engine, will not weave, although they may occasionally dye calicoes.

We must dwell a moment longer on Mr. Laing's views, on account of the manner in which a practical tendency is arrogated for their admirers; the reader will hereafter see that our inquiry into the foundation of this claim is not an useless labour.

We cannot overlook the immense strides that mechanical invention and scientific analysis of what are commonly called laws of nature have made of late years. The effect of this progress also cannot be denied. By simplifying processes of manufacture, production has vastly increased: this increase has caused a vast addition of enjoyments, especially to the labouring classes. But the tendency of these improvements, which, there is every reason to expect, will continue and be extended, is to give to those classes a great deal more leisure

+ than they have hitherto enjoyed. Now what are they to do with this leisure? Some would probably prefer the building of pyramids and the labour of millions in laying one stone upon another, in order to exemplify the power of mind over inert matter, leaving the labouring classes with nothing to do. And if they were to do nothing, after their necessities and comforts were provided for, we should be much of the same opinion. But it is because we see no prospect of their having nothing to do, even when food, lodging and clothing are provided, that we should like to see other useful occupations held out to them, besides hand-weaving or building pyramids. As abstract calculation and inductive analysis proved the unsuspected guides to the mechanical sciences which have conferred such material benefits on mankind, so the study of beauty in the abstract, and the search after beauty in nature, will eventually prove guides to the only true (that is the refined) enjoyment of the leisure which the mechanical arts have prepared and are still providing.

+ No one will deny that the Glasgow manufacturer, whose cotton handkerchiefs encircle the heads and shoulders of the negroes in the interior of Africa, is a benefactor to mankind. + But it will perhaps be granted that his is only the first step in raising the condition of a being, whose powers of development have not yet been measured, but whose irregular bursts of aspiration alone point to something far beyond Glasgow handkerchiefs and similar wants. We therefore do not quarrel with our neighbours the Dutch, who, as soon as prosperity shows itself amongst them, display a taste for the fine arts, + and adorn their neat houses with pictures, as in by-gone times. We sympathize in the astonishment which the perusal of Mr. Laing's remarks will excite amongst them, and are glad to think that our protestation will reach them also. The more they fall into their old sound policy of looking to trade as the true source of wealth and power, the more money and time will they have for such enjoyments, and the more benefit they will derive from such a taste.

+ But the gnawing care of philanthropists in this age is the fear that the labouring classes will at last find no work. What is to become of a man if he cannot be a hedger or a ditcher, a stoker or a coalheaver?



"Here in Holland the privations and misery of the poor are necessarily very severe, the labouring class having very little agricultural work to turn to, as the land is mostly under old grass for dairy husbandry; and even the enclosures, being wet ditches, not hedges or walls, require few annual repairs; no manufacturing employment of any consequence, and in fact no work except the transport of goods from the sea-ports to the interior."

Many of our readers may have felt the virtuous indignation which tourists commonly express at seeing Dutchmen standing in their boats with their hands in their pockets, while the tide wafts them from the sea-ports to the interior without either trouble or risk. Such a life cannot be compared to that enjoyed by a coalwhipper on the Thames; nor can the quiet contemplative hour of smoking and of rest, which alternates with the moderate labour of the day, be regarded as half so delightful a relaxation as the porter or whisky orgies which the habit of excitement ever on the strain calls, ay and considers to be, pleasure.

What is then to be done with a people which is wise enough to see that they have no facilities for manufacturing, and whose agriculture is carried on so easily and inexpensively as Mr. Laing represents? It seems clear that the mere transport of goods from the sea-ports to the interior can scarcely occupy all the energies of a country, especially when the tide goes up to the head of the principal channel of navigation. We do not intend to enter here more fully into the circumstance that, Holland being by position naturally the maritime district for all central Europe, the inhabitants have some excuse for their trading propensities, or the fact that, as there are goods to convey from the sea-ports to the interior, there must be goods to send from the interior to the sea-ports. We prefer taking the abstract ground on which the traveller has left the matter.

Is there then no other kind of labour to be provided for those who are willing and able to work than hedging and ditching, turning soils over by hand labour, stoking and coalheaving? Is man created under so stringent a necessity for corporeal labour that any alleviation of the most debasing work is to be looked upon as a dreadful warning of coming annihilation? And is this the creed we are to profess at a time when inventions are multiplying mechanical power in a man-

ner that has already made the use of manual labour an unthrifty resource in a vast proportion of industrial occupations? Does not the immediate future present to us the inevitable certainty that nearly every process of manufacture, and numerous processes of agriculture, will be performed solely by machinery? And is this prospect, instead of being looked upon as the triumph of humanity, to be regarded as a curse that menaces destruction to mankind?

The steam-engine ploughs the deep, and glides along the iron furrow that connects distant lands and cities in the magical bond of cooperative intelligence, lending to man a power irresistible and overpowering, but in our eyes one fraught with blessings instead of being clothed with horrors. So far from anticipating any loss of employment to the millions—to those classes who in former ages toiled to procure for the favoured few ease and opportunity for cultivating mental pursuits, we rejoice in the idea that life is likely soon to become a source of happiness to the majority of our fellow-creatures; and we anticipate with delight the results of the immense addition to human power which the liberation of so many millions from the trammels of corporeal labour promises to afford. Should the power thus created transcend our comprehension, so far as to mock our efforts to utilize it according to our present notions, our children, less fettered and with minds more expanded, will yet reap the advantage and find a pride in soaring upon its wings into realms of thought that to us were inaccessible, and of extracting joy from sources that long overflowed with bitterness for the weary and careworn upon their brink.

If it be conceded that the progress to machinery, with all the happiness that it bears in its train, be inevitable, our readers will grant that this can scarcely be effected or promoted by tying men down to cultivate the soil by hand: in our eyes a financial system based upon so unstable a foundation is fraught with ruin to a country. With this view of our subject we accompany Mr. Laing into Germany, his criticisms on which country we can only explain by taking into account his unsound views on the subject of national industry.

We shall confine our remarks to the leading point which has been selected from Mr. Laing's book for the purpose of



feeding agitation at home, and the true character of which it is essential at the present moment to point out.

Many, but by no means all, German historians and political economists are lavish in praise of the measure carried out by the ministers Von Stein and Hardenberg, with the view of emancipating the peasantry of Prussia from the feudal services attaching to the land. When we say that all historians of weight in Germany do not unhesitatingly praise the measure, it must not be inferred that any influential writer defends the existence of such services as a national benefit. The difference in opinion extends only to the manner in which the change was effected, and to the state of things which was substituted for the old system.

Mr. Laing's account of the state of the peasantry in the last century is traced with the haste which unfortunately characterizes the few descriptions he has introduced into this volume:—

“ Previous to 1800 landed property was, on the greater part of the continent, divided into noble or baronial, and peasant, roturier, or not noble holdings. The former class of estates could only be held by nobility, and had many unjust exemptions from public burdens, and many oppressive privileges attached to them. These baronial estates, by far the greatest in extent, had the peasantry who were born on the land *adscripti glebæ*; had a right to their labour every day for the cultivation of the domain; had civil and criminal jurisdiction over them in the baronial court of the estate; had a baronial judge, a baronial prison on the estate to incarcerate them, and a bailiff to flog them for neglect of work or other baronial offences.”

If the lord had a right to demand labour every day from the Bauer, of course the latter could not have cultivated his own land; therefore the state of things here described is impossible. The fact is, that in a country in which, owing to bad government and the want of means of communication, trade was nearly annihilated, land and the labour of the inhabitants formed the only capital. The produce extracted from the soil being more than the inhabitants required, rent was not paid exclusively in kind, but (as to this day in Russia, Poland and Austria) a part was taken in service, the rate rarely amounting to three days' labour in the week. Long hereditary possession had given rise to the notion that the peasant was the actual possessor of the soil for which he gave this service, when the necessities of the state occasioned

the governments generally to interfere and establish this as the fact. The first organization of the levy of the land-tax in its present shape, in Germany, coincides with the period when the law-courts first assumed the peasant to be the owner of the soil he tilled. This change was not effected by Hardenberg, as has often been asserted, but took place, as M. C. F. Eichhorn tells us, nearly 150 years before that minister appeared. We extract Mr. Laing's account.

"The acknowledgment of these as distinct legal properties not to be recalled so long as the peasant performed the services and payments established either by usage or by writings, was the first great step in Prussia towards the change in the condition of the peasantry. It was stretched so far as to include the serfs located on the outskirts of the barony, and paying daily labour for their patches of land, and who originally were intended by the proprietor to be his servants and day-labourers for cultivating his domains or home-farmed land, but who, by long usage and occupation for generations, had become a kind of hereditary tenants, not to be distinguished from those occupants acknowledged to be proprietors, or what we would call copyholders. Prince Hardenberg's energetic administration made all these occupants the absolute proprietors of their several holdings, for the yearly payment of the quit rents they had been paying to the baronial proprietor, and had these quit rents, whether paid in labour or other services, or in grain, valued by commissioners at fixed moderate rates, and had them commuted and bought up from the dominant property, under inspection of the commissioners, by the surrender to it of a portion of the land of the servient property, if the peasant had no money for the purchase of the redemption. This great and good measure, which was projected and carried into effect by Stein and Hardenberg in a succession of edicts, from that of October 9, 1807, up to June 7, 1821, is the great and redeeming glory of the reign of Frederic William III., and, like all great and good measures, was accomplished with much less difficulty than was anticipated. Feudality had become effete. A strong and vigorous exertion was necessary to give the people something to defend—some material interest in the country. By this measure, Prussia was at once covered with a numerous body of small proprietors, instead of being held by a small privileged class of nobility.

"This revolution in the state of property was almost as great as that which had taken place in France, and it is pregnant with the same results and tendencies. It gave comfort, well-being, property, to a population of serfs."

The grand measure to which Mr. Laing attributes the prosperity of Prussia, and which is neither more nor less than "fixity of tenure," is here ascribed to Prince Hardenberg, who had nothing to do with it. It was effected in a gradual



manner, as we have said, more than a century before, and was legally acknowledged, long after it had taken place in fact, by the governments only when they were desirous of fixing the land-tax upon the peasants. But this historical error is not half so important as that of supposing the peasants to have gained anything by the measure. A man of practical knowledge ought to have felt that so influential a body as the landlords are in all countries, could not make any real sacrifice to the extent that Mr. Laing has supposed, without overturning the industrial system of the country.

The landlords were in fact called upon to make a nominal sacrifice. Their rent was chiefly paid in services which were not altered: they had the right of distraining when the portion which was paid in kind fell into arrear. What they lost was the right of ejection, and that at a period when the thin state of the population rendered it highly impolitic to enforce that right,—a dismissed tenant not being easily replaced.

The tenants, on the other hand, were saddled with a tax which they must still have felt to be most burdensome, even had part of their rent been commuted to meet it, which was not the case. The smallest sums levied on the land when agricultural produce is not in demand, are oppressive deductions from the farmer's gains. On the other hand, that share of their labour which was at the disposal of their lords, being also employed in agriculture, its produce met their own in the market which it glutted. What the peasants wanted was some arrangement which would have turned a portion of the superabundant agricultural labour to some other occupation, and thus have increased the demand for labour generally. This was so far from being accomplished, that from involuntary serfs they were turned into voluntary cultivators of the soil. They tilled their own possessions it is true, but on more difficult terms than those on which they had before cultivated the possessions of others.

But we further maintain that this arrangement, unfavourable as it really was to the peasant, notwithstanding its specious appearance, would never have been carried, even with the consent of the parties whom it was supposed to favour, without concomitant circumstances which rendered it almost desirable.

Germany in the seventeenth and eighteenth centuries had been the theatre of interminable wars, which were mostly fought out upon her broad plains. To the wars of religion succeeded those fomented by the ambition of Louis XIV., of Frederick II., and of Charles of Bavaria. The communications with transmarine states, which the Hanse towns or Belgium had directed at a former period, were by the treaties of Westphalia and Utrecht thrown into the hands of one mediator—the Dutch. The noble rivers which form the pulse-arteries of trade were portioned out into toll-bearing districts by rapacious governments, the legitimate heirs of the Robber Knights. How could trade, manufactures or the arts flourish under such circumstances? Thus were the labouring classes once more thrown back upon the cultivation of a sterile soil,—happy if they could only grow the bread of penury on which they long subsisted. The result of this state of things is recorded in the history of the revolutionary war. States like Prussia and Austria, which imagined that they had the power to dictate to the rest of Europe, never thought that their political and military influence was an empty shadow unable to withstand the attack of so disorganized a body as the French revolutionists. They fell before a nation which had lost every means of power save the energy inspired by hope. For the German boor, even hope had become extinct under the agrarian system.

The wars of Napoleon once more deluged Germany with blood, interrupted her trade and drained her of capital. The portion of the population that could march was drafted off to recruit the conqueror's armies. What means remained of acquiring wealth? What encouragement was there for industry? The appearance of comfort in a house drew upon it the quartering of officers instead of privates. A show of well-doing in a town augmented the amount of contributions demanded of the magistracy, or caused regiments to be sent there to be newly clothed and outfitted. We have heard of a calculation, according to which the contributions drawn from the city of Brunswick, in the shape of money, provisions and clothing, during the French occupation, would have sufficed to rebuild it, had it been destroyed.

This was the period at which the minister Von Stein com-



menced what he thought would prove the regeneration of the country. He ascribed the wretched condition of Germany to the high demands made on the peasants by the landlords. The want of his time was a clear insight into the natural working of industry when left unrestrained in its course. It was a time of tutoring and controlling; and while one body of men were alarmed at any demand for change, others openly declared that no improvement could take place without a complete overthrow of the existing social system. It was suspected that numbers would leave agriculture, for more remunerating employment, if they were not prevented, and the minister planned a corporation reform, which, had it been carried out as he proposed, might have saved the country from the bad effects of the agrarian laws. With freedom of settlement in towns and unrestricted exertions in trade, the peasantry would have had a refuge from oppressive landlords, and this would soon have brought the landowners to fair terms. But the corporation reform was allowed to be carried only as a half measure, which destroyed the political influence of the corporations without giving the tradesman the full benefit of an enlightened system.

On the other hand, the mode of relief devised for the peasant was of a most dangerous description. It was wrong in the view which the political economist must take, because founded upon an erroneous notion of the industrial progress of a nation: it was utterly indefensible in a legal point of view, because it violated the right of property. It did not afford the anticipated relief to the suffering class, because the source they had to look to for wealth remained the same. They were still to remain on the land, where they were already too numerous, because one man employed in agriculture ought always to raise more than his own food. But the greatest number of men employed in field-cultivation can add little to the wealth of the country, unless there is a large export market for the produce thus raised. Napoleon's continental system precluded the Germans at that time from having such a market, even had the nature of the soil and climate of Germany been favourable to agriculture. Inasmuch as the system of a forced composition for rent freed the peasant from any ill-treatment on the part of his

lord, the country derived benefit from it; but this does not dispose of the question, whether the same good could not have been effected by less questionable means. To improve the condition of the property of any class, at the risk of endangering the security of property in general, is a gain of a very suspicious nature. The measure of the minister, Von Stein, was not the fixity of tenure, which had, as we have seen, been adopted long before, and which had in a great measure caused the miserable overthrow of the two great states, Austria and Prussia:—he went a step further. The services due from the peasants to their landlords were estimated by an arbitrary standard very favourable to the former. It was fixed in a like arbitrary manner, that the peasants should have the power of redeeming those services by the cession of a portion of their holdings, said by the same arbitrary exercise of authority to be equivalent to the dues relinquished by the landlord\*.

Thus a new race of freeholders was created in such parts of the country as chose to accept the conditions. But because they were freeholders, they were not less bound to the soil than formerly. They lost the larger area of ground which they before had tilled, and gained the labour which they could do nothing to render available. The landlord obtained useless land, with less labour to cultivate what he before had tilled. Under any other circumstances than a complete annihilation of every legitimate field for industrious exertion, no such arrangement could have been made. Hardenberg carried out the plan formed and commenced by Stein. The growth of population has since healed over many of the deep wounds which this species of legislation inflicted on Germany; but the strongest proof that these celebrated reformers

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\* M. Eichhorn, the highest legal authority in Germany, speaks thus of the measure:—

"Whoever has attentively considered our German legislation respecting peasants' holdings of land (*Colonat-verhältnisse der Bauern*) with the effects which it has produced, cannot doubt but that the same end which was sought by means of an obligatory redemption of the services and other charges on the land could have been as surely attained by enactments for facilitating the conclusion of voluntary contracts between the parties, for the purpose of changing this mode of paying rent (*Rentlasten*). Indeed, if we consider how little progress has been made after a number of years in consequence of the mode adopted, it is evident that more would have been done by the other mode in a shorter time. No legitimate rights need in such a case have been infringed, etc."



took erroneous ground lies in the fact, that in most parts of Prussia, which were least ripe for the change, the recommendation of the government has never been adopted. To enforce it against the opposition of both parties was found to be impracticable\*.

Disapproving the manner in which this revolutionary proceeding has been praised by many travellers, we are of course little prepared to recommend a similar policy as likely to be salutary for Ireland. There was some excuse for it in a country, which a foreign spoiler had deprived of every other source of industry, and even of all enjoyment of wealth, had it been possible to accumulate it. Having lost the means of flourishing in trade and manufactures, Germany returned to the primitive and ill-requited labour of tilling the soil exclusively. But before such a measure could be feasible in Ireland, the same destruction of trade, of moveable property, the same discouragement of industry must be applied. On these terms, and on no other, could a forcible dispossession of the property which the landlord has in the soil, be practicable. The country must first be reduced to such a state that the landowner shall have nothing to lose by the cession of a portion of his land. But we would ask Mr. Laing, and those who advocate the same views, whether, under such circumstances, would the tenant gain anything by the cession? Moreover, the Irish cottier is not a subfief-holder, as the German peasant was: he holds his land on written or oral contract of recent date. Neither prescriptive nor formal claims can be advanced in Ireland to justify an interference with the right of contract. Is not the pressure felt in Ireland known to arise from the fact that too many hands are employed in agriculture, and is the remedy to be found in a measure which would chain indissolubly to the soil, as willing serfs, those very men who now are suffering unwillingly in agricultural bondage? The only hope for the improvement of Ireland can be derived from the very uneasiness felt by all parties at the present state of labour in that country.

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\* "The violent abrogation of so many lawfully acquired rights, which a government never should sanction as long as it has any means of avoiding it, has shaken the security and sanctity of property generally."—*Eichhorn, Rechts und Staats Geschichte*, iv. 714.

We look upon the quarrels between landlord and tenant as proofs that the present subdivision of the soil cannot continue; still less can it be increased. But supposing the land given to the present cultivators, and even the second proceeding—of clearing it of rents—to be carried out, what is to become of the rising generation? Are the advocates of fixity of tenure aware of the rate at which the population of Ireland is increasing? Are we to have every year fresh subdivisions? Captain Larcom has shown that 68 per cent. of the rural population of Ireland are dependent upon *mere manual* labour for subsistence.

Why continue such a strain of argument? It must be evident to every man of sense that land is only like coals or metals or cotton, or any other object which is a means and not an end. It is not the ownership of the land, but the use to which it is put, that is of importance to us all, individually as well as collectively. We are all losers, when a population of five millions is employed in Ireland to cultivate a space not much exceeding one-half the area that is tilled by five millions of agriculturists in England. The loss is not confined to the mere waste of labour, which is here thrown away; another and far greater loss is experienced of all which this labour, now wasted in unprofitable agriculture, might produce in trades, in manufactures, in the fine arts, in science.

But it will be asked, how is a country possessing no monied capital, little credit and no skilled manufacturers or labourers, to employ its population in the manner suggested? This question brings the subject on its proper ground. Ireland, like Germany, wants capital; but capital, that is to say monied capital, is the child of trade. Trade is nourished by credit, tranquillity, good communications and abundant production. A peaceful condition, under which in every country credit becomes firm and education progresses, is what Ireland requires; it would be well if those who pretend to be her friends would bear this in mind. The various successions of agitation in Ireland have done as much to keep her back, as devastating war has done to impoverish Germany. Above all, what accumulation of capital can take place in a country in which property is insecure?



Justice to Ireland! Is it justice to destroy the credit and good name of a people, and to frustrate all cordial co-operation with a nation like England, which is already of such service, and can be of so much more? Is it justice to mislead the unfortunate tenant, to seek the very means which will bind him inseparably to the clod, and perpetuate the burden that now hangs like a mill-stone on his neck and fetters all industrious exertion? Is it justice to tell a people, endowed with every talent and alive to every grace of nature or of art, that they can do nothing but dig potatoes or rob their wealthier neighbours? Are we to be insulted with proposals repugnant to common sense, and which tend to throw a shadow of insecurity upon property in a country only now rising into importance after centuries of neglect, of suffering and of sorrow? And are the men who propose these destructive measures, who would reforge the chain that is scarcely broken, who would extinguish every encouraging gleam of hope for the future, to be called the friends of Ireland?

We at least will protest against such an abuse of language, against such a betrayal of confidence! We will call to our Irish fellow-subjects to awake from the dream into which artifice, dark and deep, has lulled them,—to awake to the glorious prospect that lies before them, if they will but manfully attempt the task, and put forth their energies in their own cause and in that of humanity. Not food and clothing only, but food and clothing with all the luxuries that machinery affords, with all the delights that true civilization presents, are at their command, if they wisely and boldly go forth to seek them. The only parallel that can exist between the adoption of the measures that we have described in Germany, and fixity of tenure as demanded in Ireland, would be found in their effects—retarding in both countries the progress to improvement and to wealth.

If we differ from Mr. Laing, respecting measures which he recommends as suited to Ireland because they were adopted in Germany, we are not more inclined to agree with him in his condemnation of many things against which he would warn us.

A notion prevails abroad, that the business of the govern-

ment is to promote the advantage of the nation in general, and of every class in particular, as much as lies in its power. In England, on the contrary, the government confines its operations to preventing mischief where it can, and only moves in obedience to some strong expression of public opinion. Our policy does not however prevent a real initiative power from being exercised by men in office; it only changes the mode in which they wield it. No man proposes a measure in parliament on the ground of the prospective good which it will effect, and still less on account of any good to which it may prepare the way. Each bold measure is solely adopted on the plea of avoiding or averting imminent loss or danger. Thus Catholic emancipation, parliamentary reform, the abolition of the slave-trade, were rejected as long as they were only proved to be morally and theoretically just, or even prudent. They were adopted when, according to the confessions of the ultimate movers, to refuse them longer would be to cause commercial loss, dangerous agitation, or rebellion. A minister in England may therefore safely disregard appeals to public opinion through the press, but he cannot overlook associations and public meetings. Many a man may write a good book and be despised,—no man is insignificant who can appeal through a speech to the passions of a mob. The door which this basis of our domestic polity opens to agitation, nay, which makes every step in advance taken by the government depend upon the application of this highly questionable means of impulse, causes us to withhold our adhesion from the undistinguishing condemnation in which Mr. Laing includes the functionarism and the functionaries of foreign states. We will even go further, and declare that, considering the backward condition of a large portion even of the British Isles, to say nothing of the British colonies, we might well take a lesson from some of our continental neighbours in the mode of carrying on public business.

Let us, for instance, take their mode of dealing with the Church. The responsibility for the wholesale spoliation of the Church on the continent does not rest altogether with the governments. It is well known that the people demanded and enforced the devastation, on grounds not more tenable than



those which were advanced to recommend the spoliation of the landlords. But when the governments resumed their influence, after the peace, the varying pretensions of the different creeds were dispassionately weighed, and an equal measure of emoluments and honours was awarded to each. The greatest possible pains were taken to prevent the sums raised for the support of the Church from oppressing the people. Where tithes and lands had passed away or were become insufficient, the deficiency was made up out of the general revenue, in preference to the adoption of an increase in direct local taxation. This has been done in Prussia and even in Austria. In the same manner the schools are admirably constituted and managed, extending sound education at the least expense to the greatest number of scholars. Private institutions, founded with a view to profit, would obviously defeat the main object: they would, from their expense, be inaccessible to the poor; they would, on principle, seek to do the least they could for the rich. By making schoolmasters servants to the government, a compensation was given in rank for the smallness of salary. By promoting the junior teachers to the head masterships of schools, an inducement to exertion was held out which could be offered by no other means.

Railroads are another instance of the beneficial aid which a government can afford. The object of a railroad, like that of the post-office, is to promote communication between distant places. To derive a revenue from such a source would be a breach of trust in a government. Even a rich country like England is deprived of an immense advantage by the toll which is paid to railway companies, who necessarily have a monopoly of conveyance, each on its particular line. This toll is not to be measured by the high fares: it falls far heavier in the neglect of public convenience which the irresponsibility of private companies induces. In countries devoid of capital, like Germany and Ireland, it is difficult to raise the sums necessary for the construction of railroads. A high rate of carriage defeats the great object which they are intended to promote. Hence the demand upon the continental governments to assist by their guarantee in raising the requisite sums, while, by the influence thus obtained, the

profits of the enterprizers are modified to the necessities of the country. The best course is that taken by Belgium, where the railroads are constructed and managed entirely by the state.

The continental governments, acting on the impulse of necessity, have thus taken the first step in carrying out a great economical principle, which before long will be universally acknowledged. A transition from direct to indirect taxation is becoming everywhere inevitable: it will be the grandest fruit of the general competition in industry which peace has brought about. If the reduction in the rate of profits which competition necessitates is not to deter the industrious classes from producing, they must everywhere produce on equal terms, and seek a compensation in the increased demand. If this legitimate process be left undisturbed,—but on that condition alone,—the amount of profit will be found to increase rather than to diminish, although the rate of profit may fall.

Competition, first in poor, and sooner or later in rich countries, makes direct taxation impracticable. Assessments for local purposes become unjust as soon as the purposes for which they are levied assume a general character. The maintenance of two powerful churches in equilibrium by means of local taxation may be pronounced impracticable. Tithes have another disadvantage, in being an unfair, because an exclusive, burden on the landowner. If he is to be saddled with such burdens, he will expect some compensation, and thus a social inequality of the most dangerous kind springs up. In our opinion, the sole course open to government in the present crisis of affairs in Ireland, is that of taking the payment of all religious instructors, and of all teachers in public schools, into its own hands. The fund raised from the land in the shape of tithe, which is on all hands acknowledged to have been redeemed by prescriptive sufferance, should be drawn by the state for general purposes. It might be offered for redemption like the land-tax. The payment of the clergy, of schoolmasters, of the persons employed on railroads and similar undertakings, should, like that of other servants of the state, be drawn from the general fund. The Roman Catholic



church could not object to be placed in this way on a footing with the church of Ireland. The landlord would not be dissatisfied at seeing the fundholder share the burden with which he is charged.

But it will be said, that to entrust the management of such weighty matters to the crown, is to surrender the palladium of a free country into the hands most likely to abuse it, and to open the door to unceasing jobbing and boundless favouritism. We reply, that a country cannot be called free until it is able to control its public functionaries through the influence of public opinion. In an unenfranchised condition of the press and of courts of justice, it is well for every man to assert his right to manage himself the affairs in which he is most interested. He does so because he cannot entrust their direction with safety to another. In such a case talent is neglected for guarantees, which are supposed to promise security. Talent may even be dreaded by communities which feel themselves insecure, and in such the ostracism may be re-established with advantage; but the exercise of the ostracism is no indication of freedom.

The utility of freedom of the press, in a political sense, consists in the power which it lends to the public of controlling the actions of the officers of state, by discussing the measures proposed and exposing abuses. Without this controlling power, functionarism is indeed a fearful engine of despotism:—under the salutary influence of publicity of discussion and open courts of justice, it cannot be other than a useful principle, because founded upon division of labour. This is felt to be the case on the continent generally, and especially in Germany. No one in those countries denies the utility of the present system of government and the merits of the large body of functionaries employed; but all demand the power of discussing the measures of ministers, that the country may not be plunged unawares into difficulties or danger; all require to exercise the right of canvassing the actions of the public officers, not only that this powerful body may not through a feeling of security be induced to tamper with their trust, but that their acknowledged efficiency may be increased.

Mr. Laing is wrong in ascribing the submission of the Prussians to the sway of a despotic government, to the drum-boy discipline which is inculcated at school and fostered by functionarism afterwards. The king of Prussia, ever since he left this country, has met a silent but serious opposition in the prosecution of many favourite schemes which were supposed to be prejudicial to the well-being of Prussia. He has, it is true, suppressed several newspapers and periodicals under aggravating circumstances of a disregard of private property. The struggle between him and his people is, however, only commencing,—it will have one of two results: either he will grant them the control they demand over the government functionaries, and that publicity in courts of justice of which common sense shows the advantage, or he will prepare a period of agitation for his own latter days, or for the reign of his successor, which will be far from enviable.

Functionarism, checked in a salutary manner by freedom of the press, is, we repeat, a powerful instrument of utility to a nation. Nay, in the active struggle of competition in which the most civilized states are now engaged, it is possible that the active cooperation of the government may, in doubtful cases, not unfrequently turn the scale against lands that do not meet with such support. This is evidently the case with Ireland in comparison with England. In England the aid of the government can be dispensed with, because the surrogatory means which the country commands enable her to bear the loss. In Ireland, the deficiency of these means justifies the call made by the country on government for aid: it even prescribes this call; it will justify the enforcing of the demand by any legal means. We would entreat all who are interested in Ireland, or who feel the importance of the British empire to the civilized world, and of Ireland to the British empire, to inquire dispassionately into the case here stated. The different fields of the same farm require each a different treatment, and will receive it at the hand of a skilful cultivator,—how much more do the different portions of a large empire require modifications in the best of systems! Uniformity of government presupposes uniformity of wants and powers: but until wants and powers are equalized, must



not such uniformity be oppressive? The British government is bound to raise Ireland to the same position in which England stands, and then—only then—can it pretend to act justly by treating it in the same manner.

The agitation which now exists in Ireland is to be deeply deplored, as it checks the cultivation of those resources which we deem to be unbounded, and which the soil of Ireland is peculiarly suited to develope. The continental system of public schools, galleries of art and libraries, if established all over Ireland, would soon relieve the pressure on agriculture by affording other sources of industry\*. Railroads and steam communications by sea and on the rivers would augment the productiveness of trade and induce trials in manufactures. How is the government exonerated even from direct efforts to procure these advantages for Ireland? The manifestation of a disposition to adopt such a line of policy must disarm agitation, and destroy the influence of all whose counsels tend to impede the introduction of these benefits.

Whilst we advocate the encouragement of trade and manufactures, but above all of education, in Ireland, we are far from wishing that country to follow the example of some continental nations, and insist upon producing exactly what is cheaply and well produced elsewhere. We have often enough recorded our views of the operation of free trade. It is our firm conviction that Ireland, educated and properly governed, would not only remain as good a customer to England as she is now, but might perhaps in time become even a more valuable consumer than the rest of Europe conjointly. Although the field for exertion which agriculture presents in Ireland is supposed by many to be overwrought, yet we are happy to record our conviction that this is not the case. It is even more fortunate that some agricultural processes which remain to be introduced, and others which can be perfected, will form the best schools for manufacturing, which will follow in their train. The Irish have already attained considerable skill in

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\* The casual present made to the Cork Institution of some casts received from the Pope, was acknowledged by the appearance of two artists of eminent talents from that city soon after the donation.

the preparation of grazing and dairy produce, for sale in distant markets: the manner in which Irish butter comes to market affords a tolerable test of the state of education in every district. Why should not such a means of improving the condition of the country meet with serious attention from the clergy and the schoolmaster? Cheese, for which Ireland is at least as well adapted as England, forms no article of export from Ireland. Even Irish bacon, which the English consume in immense quantities, is not treated in the manner that would insure its sale at a high price. Until all the articles of grazing produce are carried to the perfection of which they are capable, it cannot be said that Ireland, which is by nature a pasture country, has exhausted her agricultural resources.

We shall, however, not delay until then a suggestion which cannot fail to strike every traveller in France and Italy who is acquainted with the climate of Ireland. The production of silk must be quite as easy in the latter, as in either of the two first-mentioned countries. The mulberry-tree flourishes in much colder climates. The experiments that have been made in France, show that silk is more easily produced in the northern than in the southern departments, and that the greatest obstacle to success in the latter is presented by the summer heat. Silkworms require an equal but not a high temperature. The profusion of turf scattered throughout Ireland permits the use of artificial heat at little cost. Silk is an article of such growing demand, that hitherto the price has nearly augmented in proportion to the increasing supply: any additional quantity furnished by Ireland would but little affect the price: it would however bring spinning and throwing mills, weaving and dyeing in its train. Then would follow the accessory arts of designing patterns and studying the preparation and combination of colours. Schools of design ought to prepare the peasants for this improved species of labour, while the trees (which should be planted in their second year) are maturing. A supply of one million trees, two years old, should be imported into Ireland from Germany and France, and dispersed through the country. Every landlord who desires to improve his property would be anxious to purchase them. The government ought to give to the schools the means of



preparing the labour that would be required, and a source of wealth would thus be opened of inestimable value to both landlord and tenant.

We need scarcely remark that, where so wide a field is open to both statesmen and the people at large, there is little necessity for arbitrary interference with the present state of the law. Even the principle of leaving persons and things to take care of themselves is clearly preferable to any measures that would unsettle property and discourage exertion. We are therefore not without hopes that the labours of the Commission, now employed in examining the state of the law of landlord and tenant in Ireland, will be chiefly directed to the manner in which the law is carried out. If they treat the executive side of the subject conscientiously, we are under no apprehension that they will find their charge a sinecure.

Any measure which wore the semblance of an encroachment on the right of free contract would meet the unhesitating condemnation of the thinking classes in both countries. Indeed the supposition that an imperial parliament affords a better guarantee against special legislation than local parliaments could present, is the strongest argument in favour of the Union. If we are to have Irish justice based upon views that are repudiated in England, it would be clearly more creditable to hear such a proposal made in College Green than at St. Stephen's.

## ARTICLE IX.

*Ireland before and after the Union with Great Britain.* By  
R. MONTGOMERY MARTIN, Esq. London, 1843.

A WRITER whose thoughts are as beautiful as they are solid has observed, that there are no general or certain rules of governing well; they depend on times and conjunctures, as well as on the prudence and designs of the governors; so that perfect government is the master-piece of the understanding, and perhaps it would be impossible to attain to it at all did not subjects contribute one moiety to the work by a habit of obedience and submission\*.

One of the principal difficulties for the legislator who approaches the subject of Irish grievances is, that obedience and submission, those essential aids to good government, are in that country lamentably deficient; and indeed it may well be doubted whether, supposing pure wisdom itself should devise a code of laws calculated to remove all causes of suffering and discontent, and to secure the prosperity and happiness of all classes,—the habits of the people and their modes of thinking and feeling would afford a fair chance for the operation of such a system. Such is the penalty which has been incurred by the faults and follies of early times. The sins of the fathers are visited upon the children unto the third and fourth generation. Laws which have been a rule of conduct have not been an object of respect; and, to increase the difficulty, the duties of subjects arising from a common obligation, as submitting to the same government and as members of the same civil state, are now to be inculcated amongst a people who, by the working of human events, have fallen from the possession of the necessities of life. While, therefore, it is the first duty of England, and the noblest application she can make of the high advantages which she herself has attained, to raise to a full participation in them a people with whom her destiny is united, it must be admitted that the difficulty of

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\* De la Bruyère, 'Caractères, etc., chap. Du Souverain et de la République.'



carrying into effect an object so much to be desired is greatly increased by the ill effects of former legislation upon the opinions and temper of the Irish people.

Since the year 1829, when the cause of even-handed justice prevailed, and the Roman Catholic was raised to a perfect equality in the enjoyment of civil rights with his Protestant fellow-countryman, much has been done in the way of amelioration, although undoubtedly much remains to be accomplished. When the advances which have been made since that period are contrasted with the condition of Ireland during the centuries that preceded it, we think it must be admitted that the state of Ireland, however distressing in many respects, is not such as to create despondency with regard to the future. Statistical returns indisputably show that trade has progressively increased in the several cities and towns, to which the facilities afforded by steam navigation have much contributed. The Shannon, which was so long an object of reproach, is now the scene of commercial activity, and thriving villages are springing up in its neighbourhood, whilst others that were scarcely known by name are emerging from obscurity and becoming places of resort and importance. Every year is adding to the number of steam-vessels employed on that noble river, new quays are in course of erection, and the improvements carried on by the Board of Public Works, which employ a great number of labourers and artificers, afford a cheering prospect of the favourable results that are certain to attend the more extensive operations of the same description which we hope soon to see in progress.

In consequence of the remarkable increase of intercourse with England which has arisen of late years, and in which the smallest sea-ports in Ireland have amply shared, it is natural to expect that Dublin, which was the emporium whence the provincial towns were formerly supplied, should in the first instance somewhat suffer by the change; but the commercial prosperity diffused throughout the country must in time react in favour of the metropolis, which is the centre of education and the seat of legal discussion, by causing a greater number of persons to resort thither for business, improvement, or pleasure. It is unquestionable that if the people would abandon politics, which during the struggles for Emancipation were the

every-day business of their lives, and betake themselves to the rational pursuits of industry, where the field is so ample and the fruit so certain, British capital, which has been lately seeking employment in all parts of the world, would flow in and render Ireland the most prosperous, instead of being, as hitherto, the most impoverished country in the universe. There are many wealthy English merchants who would naturally desire to avail themselves of the cheap labour which Ireland affords by establishing manufactures there; but as the erection of buildings and machinery involves a serious outlay, and as mechanical operations are particularly exposed to danger from any misconduct on the part of the workmen, it is natural that the instances of lawless intimidation and violence which frequently occur amongst the misled and unreflecting peasantry should deter them from the experiment. It is also very probable that multitudes of those persons who traverse the different countries of the world in search of pleasure or amusement, and flock from the several ports of England during a period of every year for that purpose, would be allured by the scenery of Ireland to visit that country. The moral effects of such visits would be incalculable, for there is so much kindness and urbanity in the Irish character, that the people of England would abandon many prejudices, and the Irish themselves derive much benefit from the intercourse.

It should never be forgotten that Mr. O'Connell was mainly instrumental in securing for his countrymen the rights and privileges they now enjoy in common with the other inhabitants of the empire. Had he finished his career by devoting himself to the duty of improving their institutions and obtaining for them a more secure tenure of the ordinary comforts of life, he would have erected for himself a monument more durable than brass, wherever honour is paid to the benefactors of the human race. We lament for his own sake, as well as that of the Irish people, that his great mental resources and vast influence should be squandered upon a project so visionary as the repeal of the legislative union. If he had battled for this during the period that elapsed before the great political debt that was due to his countrymen had been paid, we could have sympathized with him. But now, when the



united Parliament is anxiously desirous to effect all that legislation can accomplish for the prosperity of Ireland, his project appears to be as objectless as, happily for his country, it is impracticable.

Many of the evils which have afflicted Ireland have been derived from the distractions and divisions of party, the blind phrenzy of religious prejudices, national feuds handed down from one generation to another, and the monopoly of public patronage and municipal rights by an ascendant caste. The dawn of a brighter day has at length arisen, and the restrictions imposed by a mistaken if not a wicked policy have passed away. But could a local parliament be expected to abandon those local prejudices which tended to continue a system condemned by the united judgement of the rest of mankind? It might have been better for Ireland had her connexion with England never existed; but now that she has passed through the long period of probation which attended the first junction of the kingdoms, would it be for her advantage to be deprived of the benefits which arise from amalgamation with a people upon whose dominion the sun never sets? And even supposing a repeal to be possible, how are peace and security to be enjoyed by Ireland, placed in a state of national independence without adequate means to protect herself against other powers? After she has spent centuries in consolidating the strength of the most efficient army and navy that any power of Europe ever possessed, is she to give up her joint share in the glory and advantage of this great security of nations? Were she to be subjected to any humiliating condition by the contract, it would of course be her duty to spurn it, however great the advantages; but the Union is now acknowledged in theory, and we entertain no doubt must henceforth be proved in practice, to be the association of two great countries for their common benefit in one empire, each retaining its proper weight and importance under the security of equal laws, reciprocal affections and inseparable interests, and, as Mr. Pitt observed in 1799, wanting nothing but that indissoluble connexion to render both invincible.

*"Non ego nec Teucris Italos parere jubebo  
Nec nova regna peto; paribus se legibus ambæ  
Invictæ gentes æterna in fœdera mittant."*

When we reflect how modest were the pretensions expressed on behalf of the Catholics by their advocates in their own parliament, even whilst they enjoyed the boasted freedom of the constitution of 1782, we find it somewhat unreasonable that they should be so discontented with a union which gave them perfect emancipation by the act of 1829. In the beginning of the session of 1792, a petition was presented to the House of Commons in Ireland which contained the following words:—

“They (the petitioners) therefore humbly presume to submit to the house their entreaty, that they should take into their consideration whether the removal of some of the civil incapacities under which they labour, and the restoration of the petitioners to some share in the elective franchise, which they enjoyed long after the revolution, will not tend to strengthen the Protestant state, add new vigour to industry, and afford protection and happiness to the Catholics of Ireland; that the petitioners refer with confidence to their conduct for a century past to prove their uniform loyalty and submission to the laws, and to corroborate their solemn declaration, that if they obtain from the justice and benignity of parliament such relaxation from certain incapacities, and a participation in that franchise which will raise them to the rank of freemen, their gratitude must be proportioned to the benefit, and that, enjoying some share in the happy constitution of Ireland, they will exert themselves with additional zeal in its conservation.”

A similar address was presented to the House of Lords, which was signed by Lords Fingal, Gormanstown, Kenmare, Dr. Troy, Hon. J. Preston, Valentine Browne of Killarney, Sir Patrick Bellew, Bart., Sir Thomas Esmonde, Bart., and forty others of like respectability\*.

The celebrated Dr. Doyle, Roman Catholic bishop of Kildare and Leighlin, in his evidence before the select committee of the House of Lords appointed to inquire into the state of Ireland in 1825, on being asked what he considered would be the effects on the tranquillity of the country of the admission of the Catholics to equal rights and privileges, replied—

“I think that the general benefits produced by it would be incalculable. I am quite confident it would put an end to those religious heats and animosities which now prevail so generally. I am also of opinion it would tranquillize the public mind effectually, and make us all sit down quietly to promote our local and general interests. I also think that the country being thus intent on its internal improvement, the capitalists of England would

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\* *Collectanea Politica*, vol. ii. p. 298.



find it their interest to go amongst us, and to employ for their own advantage, as well as ours, their capital and skill and industry upon those vast resources with which Ireland abounds. It is in that way I think our general interests would be promoted by it. As to the particular interests to be promoted by it, I should think, in a vast community like ours, abounding with talent, and now becoming well-educated, many individuals would show themselves deserving of attention, and obtain those situations from which profit and honour would be acquired to themselves and their families; and if only one individual of the community had this prospect before him, that would cause all others in his neighbourhood to look up to the state, and to labour with the government for the public good. In fact, I think it would knit together and effectually secure the affections of the multitude as well as of individuals, and make us one people immediately, and I hope, in a few years, a very happy and prosperous people. Those are my views, such as I entertain them in the presence of God and your lordships \*."

We place before the Irish Catholics the opinions of one of the most excellent men that have adorned their church, as highly deserving of their most serious attention. We believe that, in order to make them a happy and prosperous people, it is only necessary for their leaders to labour with the government for the public good, and for the community to apply themselves to promote their local and general interests. As we have no doubt that a repeal of the union implies separation, we consider it completely opposed to these wise counsels; at the same time justice requires that the basis of that great national compact should be fully maintained, and that there should exist a perfect equality of civil rights, without regard to sect or party throughout the kingdom; the avenue to honours and distinctions in the public service being freely opened to all whose abilities enable them to indulge an honourable ambition.

The startling anomaly in Ireland which strikes the attention and excites the sympathy of all beholders is, that while the country is improving, the condition of the great bulk of its inhabitants seems to be growing worse from day to day. This has been caused by the division of land into small portions amongst the pauper inhabitants of a great portion of the south and west,—portions which have continued to diminish in the

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\* Select Committee of Lords on the State of Ireland. Minutes of Evidence ordered to be reprinted 15th of June, 1825.

same ratio that the population has increased, and this has been doubled within a period of fifty years. Each minute division is charged with the maintenance of the family that swarm upon it, and the miserable inhabitants have of late years adopted the cultivation of a description of potatoe which, though the least nutritious variety of that root, and indeed scarcely fit for the food of swine, recommends itself to them as being the most prolific. They have reached the lowest point that has yet been discovered in the scale of human sustenance, and if a lower could be found it would doubtless be adopted. The rent of the piece of ground always increases in proportion to the smallness of the holding, so that the poorest tenants pay universally the highest rents. The peasant and his family have no employment, their scanty potatoe-garden affording them little or no occupation, and there is no work to be obtained. The natural result of such wretchedness is the spread of demoralization in proportion to the misery and destitution by which it is produced; there is rarely any social influence to check the vicious or encourage the deserving; the constraints of law are ineffectual on persons reduced to so low a state of misery; and the most daring amongst them, who, under better auspices, might have proved the most useful and respectable of their community, are, when thus driven to despair, ready to perpetrate crimes at which their better nature would have shuddered.

It may be asked, how could landlords permit such a state of things to exist, and why did they not take care to apply a timely check to this rapid extension of population on their land? This may be partly accounted for by the custom, in Ireland, of granting leases for lives or years. In the early leases there were few, if any, provisions against subletting, so that a class of middlemen arose between the landlord and tenant, whose only consideration was how to take the most they could out of the land. There were also however less justifiable causes in operation. In the year 1793 the act was passed which conferred the elective franchise on forty-shilling freeholders, and from that period the most anxious desire of a certain class of landlords was to increase the number of electors on their estates, whereby they obtained political influence. That object having ceased upon the disfranchisement of



this class of voters in 1829, there arose an equal anxiety on the part of the landlords to get rid of the surplus population; but as removal from the tenement which supplies him with food is regarded as a sentence of death by the miserable occupant, he resists this proceeding to the utmost, in which he is supported by the rest of the tenantry, who consider that to make common cause with him is the best provision for their common safety. The only course, therefore, left open to the landlord who wishes to improve his estate, without injury to the tenant, is to provide for him elsewhere, or to pay him a sum of money for relinquishing possession. These payments have come to be regarded as a right, and a new interest is thus created by custom, which circumstances make scarcely less binding than if it were secured by law. Moreover, as there is always an extensive demand for land, there are tenants who will sell this nominal interest, which is called "good will," without the knowledge of the landlord; and the new occupant, who considers his title strengthened by having paid a valuable consideration, is thus forced upon the land, while the owner is deprived of the important right of selecting his own tenant. So contagious are the effects of this system, that many persons who hold larger quantities of land cultivate it in the most careless manner, and appear to be quite content when they grow as much corn as will pay the rent and produce a scanty supply of food for themselves. Many fear to make their land productive lest it should be coveted by their neighbours, who might offer for it a higher rent, or lest the landlord should step in and reap the benefit of their improvements. The result is, that although there is little labour there is much contention; the land is not half cultivated, the fences are neglected, and in case of holding land in partnership, which is of frequent occurrence, boundaries are ill-defined. Idleness, therefore, is often relieved by the excitement of litigation in the Petty Sessions courts, where rights that are almost valueless are defended with as much pertinacity and warmth, and beget as much hostility, as if the infringements upon them were really attended with pecuniary loss.

This state of extreme poverty, to which a great proportion of the population is reduced, is the paramount evil of Ireland, in comparison with which all others dwindle into insignificance. If it could be shown that a local parliament could

alone apply the remedy for it, such an argument in favour of repeal would be irresistible; but, on the contrary, we believe that this blot on the fair face of the country is more likely to be removed by an impartial legislation, standing aloof from local party connexion, and having no interest in being the advocate of local abuses, whether these originate with one class of society or another, and who consequently are better qualified to discuss this important question calmly and temperately. In the House of Lords, before the consideration of a private bill is referred to a select committee, each member is called upon to make a declaration that he has no personal interest in the matter. This has been deemed essential, in order that the decision may not be suspected of having been formed on any other than public grounds. Can any rational man suppose that a local parliament—composed on the one side of the landlords themselves, whose estates are the subject of consideration, and on the other of such candidates as would be returned with a view of throwing the popular weight into the opposite scale,—would be the most fitting arena for discussing the question of landlord and tenant? But Mr. O'Connell proposes to create a new element of discord. In the parliament at College Green there is to be a great extension of the franchise, which he calls *general*, another name for universal, suffrage. It is certain that the increase of pauper tenants, which constitutes the evil to be remedied, was chiefly caused by the desire to increase to the greatest possible extent the number of electors on each estate. As a remedy for the evil, it is proposed to bring again into operation the vicious principle which produced it, and with such interests at stake, what disastrous results might not be naturally expected?

Mr. O'Connell was asked, on the subject of pauper voters, before the Select Committee of the Lords on the state of Ireland in 1825,—

“Are you of opinion any corrective could be applied to the evils which are understood to have arisen from the system of forty-shilling freeholders in Ireland?”—“It is difficult,” he replied, “for me to answer that question. The system of forty-shilling freeholders in Ireland is essentially different from that which it is in England; there are, however, some forty-shilling freeholders in Ireland who have fee-simple estates, and with these I suppose nobody would meddle. Then with respect to those who have derivative interests, there is an immense deal of perjury, from the accumulation of oaths; and they are part of the live stock of an estate.”



In reply to the question,—

“Do you think you would avoid the evil of perjury by raising it to ten pounds?” he answered, “Yes, I do; a man who had a ten-pound freehold would be known among his neighbours, he would have a character to preserve, and I do not think there would be nearly the temptation to perjury there is now.”

We quote Mr. O’Connell’s deliberate opinion against a system which was in operation at the time he gave his evidence, and the evils of which he sets forth at greater length than our space will permit us to insert. We are not aware of any change which has taken place in the physical or moral condition of the people, to make us believe that a recurrence to such a system could be anything but pernicious. Our readers are doubtless aware that there is at this moment a commission sitting in Dublin, composed of Irish and English members, employed in taking evidence on the important question of landlord and tenant, to the end that such remedy may be applied to the evil as the wisdom of Parliament shall determine. We apprehend that there is little difference of opinion between the prime minister of England and Mr. O’Connell himself on the clearance system. On Mr. Smith O’Brien’s motion in 1840 for a grant of public money to assist emigration, Sir R. Peel observed,—

“It might be correct, according to the principles of political economy, to remove the people from these smaller holdings in order to throw their possessions into one large farm. The giving notice to ninety or one hundred families to quit their possessions and then turning them loose on the world might be the means of insuring the better management of gentlemen’s estates, and might be correct according to the principles of political economy; but it was not correct, according to the dictates of moral principle and christian duty, to say that the landlords were under no obligation to provide a settlement elsewhere for those whom they had driven from their homes and thrust loose upon the world.”—*Morning Chronicle*, 16th June, 1840.

It has been held that the legislature cannot interfere between landlord and tenant without a violation of the rights of property. There is, however, a remarkable difference between the laws in force in England and Ireland respectively on the subject. In the Irish laws the protection of the rights of the landlord is chiefly aimed at; in the common-law of England, which has been little altered by any legislative enactment, the chief object is the protection of the rights of the tenant. In

reference to this, Adam Smith remarks,—“To the adherence  
 X “to this custom, the protection of the tenant’s right, England  
 X “owes more of her present grandeur than to all her boasted  
 “commercial enactments taken together.” When the situa-  
 tion of the country which has observed and that which has  
 neglected this maxim is considered, it will be granted that no  
 truth has been more fully confirmed.

In the reigns from Henry IV. to that of Elizabeth, the feed-  
 ing of beasts was deemed more profitable in England than  
 that of man, and the system of clearance, now so common in  
 Ireland, was adopted to such an extent in this country, for the  
 purpose of turning farms into pasture, that several acts were  
 passed to prevent the practice. In the reign of Henry IV.  
 several indictments were preferred to the crown, by way of  
 petition, against the landlords who had driven out their tenants,  
 who were termed therein “*Insidiatores viarum et depopula-*  
*tores agrorum.*” An act was passed\* providing that the in-  
 dictment should not be laid in those words, but “that it might  
 contain the effect of the said words and terms” if any person  
 should thereafter be so indicted. In the reign of Henry VII.,  
 when this grievance had still further extended, another act  
 was passed†, reciting that the Isle of Wight, which had been  
 theretofore well inhabited, had been of late decayed, by reason  
 of many towns and villages having given place to fields en-  
 closed and made pasture for beasts and cattle, and by reason  
 of many farms “which of old tyme were wonte to be in many  
 severall persones holdes and handes,” and several households  
 kept therein, being now made desolate and not inhabited, but  
 occupied with beasts and cattle. It enacted for remedy that  
 no person, of whatever state, condition or degree, should hold  
 several farms whereof the rent should exceed ten marks yearly,  
 with the following proviso: “provided always that they which  
 “have paid any fines, or made any building, or done great  
 “reparation upon any such farm, and be put from the said  
 “farm by reason of this act, shall be recompensed for such  
 “building or reparation as right and good conscience re-  
 “quire.”

Another act, in the same reign‡, recited that great incon-

\* 4 Henry IV. c. 2.

† 4 Henry VII. c. 16.

‡ 4 Henry VII. c. 19.



venience and desolation were arising daily by pulling down and wilfully destroying houses and towns within the realm, and of turning to pasture lands which had been formerly tilled, "whereby idleness, the ground and beginning of all mischiefs, daily did increase;" for where in some two hundred persons were occupied, and lived by their lawful labours, such towns were now occupied by two or three herdsmen, and the remainder fell into idleness, "so that husbandry, one of the "greatest commodities of the realm, is decayed, churches destroyed, the service of God withdrawn, patrons and curates wronged, and the defence of the land against its enemies "enfeebled and decayed." It provided therefore, that every person, of whatever state, degree or condition, that hath any house or houses that at any time within three years hath been, or that now is, or hereafter shall be let to farm, with twenty acres of land at least, or more, lying in tillage and husbandry, shall be bound to keep, sustain and maintain houses and buildings upon the said land convenient and necessary for maintaining and upholding the said tillage and husbandry, and in default thereof it was declared lawful for the king, if such lands or houses were holden of him immediately, or for the lord of the fee, if such lands or houses were holden of him immediately, *to receive half the value of the issues and profits of such lands for his own use, until such house or houses be sufficiently built or repaired.*

It appears that these enactments were not sufficient to put a stop to the system, for in the succeeding reign another act was passed, which recited\*, at equal length, the evils resulting from the decay of towns, and required the owners to rebuild them *within one year*, and to restore the lands to tillage which had been turned from tillage to pasture, or, in default, that they should forfeit half their value to the king or the lord of the fee. It contained a proviso excepting from the operation of the act parks and marshes which had been enclosed. This act was limited to one year, but by another in the next session of parliament† it was made perpetual.

By an act of Philip and Mary‡, provisions still more strin-

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\* 6 Henry VIII. c. 5.

† 7 Henry VIII. c. 1.

‡ 2 and 3 Philip and Mary, c. ii.

gent were passed. Commissioners were thereby appointed to execute the act of 7 Henry VIII. c. 1, and enabled to inquire, by the oaths of twelve men, or by information, or any other lawful means, into all offences committed under that act, and to take security from offenders, whether owners in fee simple, fee tail, for life, term of years, or by copy of court roll, in possession, reversion or remainder, for fulfilling the provisions of the same. They were further enabled to commit parties to prison refusing to enter into such recognizances, where it was provided they should remain until they had entered into the requisite security; and required all sheriffs to be aiding and assisting therein. They had also authority to abate rents when they should think proper, and to levy fines and penalties.

In the early part of the reign of Elizabeth an act was passed\* which recited the last-mentioned statute of Philip and Mary, which it declared to be "in some places imperfect and in others too mild and gentle," and enabled the lord chancellor to appoint commissioners, who were clothed with powers still more extensive than those of their predecessors, powers that were further enlarged by two acts passed towards the close of the reign of that princess†. It appears, therefore, that the full power of legislation was brought to bear upon an evil which invaded the rights of the people and disturbed the peace of society; and this sufficiently proves that the laws of England do not recognize the assumption that a man "may do what he likes with his own," when by such proceeding he inflicts injury and distress upon the community.

X In adjusting the rent of a farm, when the relations between landlord and tenant are in a sound state, both parties are perfectly free, and therefore any interference between them is unnecessary. The tenant will consider the productive qualities of the land, and calculate what it will cost him to supply the seed, pay the labour, taxes and other charges, and purchase and maintain the cattle and implements of husbandry, or erect and maintain any buildings that may be necessary for the proper cultivation of the farm, together with the ordinary profits which such farming stock commonly bears

\* 5 Elizabeth, c. 2.

† 39 Elizabeth, c. 1 & 2.



in the neighbourhood where the land is situate, and he will not undertake to pay more in any case for the use of the land than the sum which he considers will remain after these expenses are discharged, as if he did, instead of securing a fair return for his industry and exertion, which is his object in taking the farm; his capital must be gradually diminished, and himself eventually ruined by the transaction. In Ireland the tenant is not a free agent,—he makes his contract for rent under compulsion; he has no capital but his labour, for which there is no employment; he must get land or starve; and as thousands of his fellow-creatures are in the same condition, who anxiously compete with him in this struggle for existence, the rent he will offer is not based on any calculation as to the value of the land.

It might be supposed that the landowners, in cases where the rent proposed to be paid by the tenants could not be produced out of the land, would probably receive nothing, and that the evil would thus cure itself,—but this is not so. The tenant and his family endure sufferings that appear intolerable, and exist in rags and misery in order to scrape together the sum which they have undertaken to pay to their landlord. It is well known that families are pinched even in their poor potatoe diet to feed the pig, which is to pay the rent; and many of our readers in the rural districts of this country may have remarked, that the poor Irishman who comes over here at harvest time will suffer all sorts of privation in order to hoard up his wages for the like purpose. He feels a pride in being able to pay his rent, and for the same reason is rather inclined to conceal the exertion and misery it has cost him to make it up.

The evidence given before the commissioners for inquiring into the condition of the poorer classes in Ireland in 1836, which is to be found in the appendices to that report, exhibits a state of society that is without a parallel, and the statements of the peasantry themselves are fully confirmed by the personal observations of the assistant commissioners. Their abode, a hovel, which would not be considered in any other country sufficient to shelter cattle, its furniture a few stools, a table formed of old boards and sticks, a few pots and kettles, some straw, and one or two old blankets or coats in

rags for bedding, present one of the most melancholy spectacles that it is possible to behold. A vista of hope is however afforded when we learn that the improvement of the tenant always accompanies security of tenure. The commissioners inspected the condition of several labourers who had located themselves on bog and mountain land, which had been previously waste, where the march of improvement was seen in every stage of its progress, from the sod hut of the new squatter, trembling at ejection, to the neat whitewashed and well-plastered cottage of the old settler, who, now enjoying full confidence in the security, thinks only of improving his property. The evidence supplied by this commission is confirmed, if it needed confirmation, by that which was taken before the committee of the House of Lords upon the state of crime in Ireland, called Lord Roden's committee, where the lord lieutenants of counties, crown solicitors, stipendiary and other magistrates, and commissioners of police, all affirmed that politics had nothing to do with disturbances in Ireland, which were universally caused by the misery existing, in every shape, amongst the lower classes of the population. Mr. O'Connell himself has stated frequently, that agitators would be deprived of all power if the causes of distress were removed; and Dr. M'Hale, Roman Catholic archbishop of Tuam, in the written evidence with which he supplied the Commissioners of Poor Inquiry in 1835, observes,—

"I would now conclude by saying that the Irish, if left unagitated, are a patient and enduring race; good government, good landlords, and constant work and wages would take them from under the cantharides of the quack politicians, who make the most of them, and would render them useful subjects\*."

To remove the evil which is at the heart of discontent it is necessary to remove the cause of it, which is simply the extreme pressure upon land. In a country that is over-populous, the obvious means of effecting this object is by encouraging emigration; but Ireland cannot be said to be in this condition, as there are no less than 3,000,000 of Irish acres (equal to 5,000,000 English) of waste lands in that country, which are considered to be almost all reclaimable;

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\* Report of Commissioners of Poor Inquiry, Appendix A, p. 343.



and it is remarkable that in Galway, Mayo and Donegal, where the pressure upon land is greatest, the quantity of unreclaimed land most abounds. In the county of Galway there are of reclaimed land 945,212 acres; of unreclaimed land 461,957 acres. In the county of the town of Galway there are of reclaimed land 10,501 acres; of unreclaimed land 12,000 acres. In Mayo there are of reclaimed land 871,984 acres; of unreclaimed land 425,124 acres. In Donegal there are of reclaimed land 520,736 acres; of unreclaimed land 644,371 acres. There is abundant evidence to show that these wastes could be made available for the purpose of relieving the cultivated land of its superabundant population. We have already at some length referred to the valuable report of the Bog Commissioners, printed in the year 1812\*. They recommended that proprietors of estates under settlement should, for encouraging reclamation, be enabled to make long leases of waste land,—a principle which had been recognized by the legislature in the act which enabled bishops to demise bog-land for a term of sixty years†,—and that a free passage should be secured to the parties employed in such improvements through adjacent estates for the purposes of drainage. Mr. John Power, the Assistant Commissioner of Poor Inquiry, stated in his report on Talbot's Town, in the county of Wicklow, that there were thousands of acres capable of profitable cultivation, either by the capitalist or by labourers' families for their own support. Hundreds of those families would be found in the barony itself, ready to undertake such cultivation for their maintenance, even without any assistance whatever, and only upon condition of having it for a certain number of years rent-free, or at a small annual payment, and many more would require only a very small aid at the commencement of their labours. In the town of Baltinglass alone the assistant commissioners found hundreds of human beings in the most abject misery, two or three families crowded in a hovel of ten or twelve feet square, without an inch of ground or any other resource than the uncertain and overstocked market for labour and the charity of the humane, while the uncultivated mountains overlook the town, but are forbidden fruit to the wretched inhabitants,

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\* See British and Foreign Review for 1839, No. XVIII.

† 12 Geo. I. c. 12.

who have been taught to know, by fines and penalties, that the wild heath and furze grow to protect the game and create amusement for the rich, not to warm the shivering limbs of the poor or to prepare their humble meal\*.

It might be urged, that if the reclamation of waste lands afforded a fair prospect of return, private speculators would be ready to undertake the work. A company was formed for this purpose, at the head of which was the noble Earl (Devon) who has been appointed chairman of the recent commission for inquiring into the existing relations between landlord and tenant in Ireland, but we believe they found it to be almost impossible to obtain leases of the lands at such a reasonable rate as to enable the company to carry out this laudable object upon an extensive scale.

The owners of waste lands in Ireland may be divided into two classes, those who are unable and those who are unwilling to grant leases of sufficient length; and we consider that it is the duty of the government to pass a compulsory act to secure this great national object, for the supreme reason, which Blackstone describes to be "above all reasons, the salvation of the king's lands and people†." The acts, from Henry to Elizabeth, which we have already quoted, show that parliament did not hesitate to pass very cogent measures for the regulation of private property when such appeared necessary for the safety of the people. It is laid down by Grotius and Puffendorf, "that we must not suffer anything which God hath created for the service of man to perish or become useless‡."

Locke has observed in his 'Treatise of Civil Government,'—

"Nothing was made by God for man to spoil or destroy. God, when he gave the world in common to all mankind, commanded man also to labour, and the penalty of his condition required it of him. God and his reason commanded him to subdue the earth, that is, improve it for the benefit of life, and therein lay out something upon it that was his own,—his labour; ..... and hence subduing or cultivating the earth and having dominion over it we see are joined together—the one gave title to the other§."

This duty of divine origin, which was annexed to the pos-

\* Report of Commissioners of Poor Inquiry, Appendix F, p. 389.

† Commentaries, vol. iii. p. 73.

‡ Puffendorf, quarto edition, p. 365.

§ Page 213.



session of land, is still attached to it, through whatever hands it may have passed, and is in conformity with the maxim of all governments, "*Salus populi suprema lex.*" The rights of property are forced to bend every day when the legislature considers that such interference is necessary for the public advantage; compulsory powers are contained in almost every private act, enabling parties to take and enter upon lands for public improvements, on their paying to their owners the present value, which is to be, in case of difference, settled by a jury.

We feel confident that there would not be much difficulty in devising a scheme to reconcile the interests of the reclaimers with those of the owners; for by parcelling out wastes in allotments to the people for such number of years as might appear sufficient to enable them to reap the fruits of their labour at a small annual rent, property, which is now almost useless, would at the expiration of that term be transformed into noble estates for the descendants of the present possessors, while the national resources would be, thereby, considerably increased. We therefore suggest that the legislature should pass an act, enabling the crown to appoint commissioners with powers to become the general lessees and to grant sub-leases of the several waste and reclaimable lands, and that the annual rent to be reserved in the leases to applicants for the several allotments, and the term of years for which such leases should be granted be determined by such commissioners in a manner to be provided by the act. Powers might be given to the commissioners to enter upon and take waste lands for the purposes of the act, and to agree with the owners for the purchase of such lands for a term of years, for an annual rent-charge, which might be equal at first to the present annual value of the lands, but which, at the end of every ten years, might be increased until the expiration of the term, when the lands should revert to the owners or the parties who, according to existing or future settlements, would be then entitled to them. It is usual in private bills to enable companies to purchase lands for public improvements from the owners for an annual rent-charge in lieu of a sum in gross, a provision that may reconcile the minds of persons to the plan we pro-

pose who are averse to any interference with the rights of property, save that which is strictly founded on precedent.

There is no doubt that this mode of purchase would be the most acceptable to the owners of land in Ireland, who would be thereby secured in their territorial dominion, which is so much prized in that country, while they would receive their equitable share in the produce of the tenant's labour during the continuation of the term, and at its termination a valuable property in lieu of a barren waste. On the other hand, the tenant would be secured in the possession of his farm for such number of years as would repay him for his outlay and enable him to save something in the shape of capital; while his rent, at first insignificant, would be increased gradually and at long intervals at a rate to be previously determined, and would never exceed what he would be fairly enabled to pay, reserving to him an adequate return for his labour and improvements. His allotment would be held by him under a lease for a long term of years, and should be of such a size as to afford ample remunerative employment for himself and family, while covenants against subletting should be inserted in his lease, and enforced by penalties and even by forfeiture. Corporations, tenants for life or in tail, or for any other partial or qualified estate or interest, married women seised in their own right or entitled to dower, guardians, trustees, etc., should be enabled to convey to the commissioners, and, in case of disagreement as to terms, the rent might be fixed by the valuation of two able practical surveyors (less the amount of land-tax hereinafter mentioned), one of whom should be nominated by the commissioners and the other by the proprietor; and if these could not agree, then by a third surveyor, to be appointed by two justices of the neighbourhood not interested in the decision of the question at issue.

+ It would be necessary to provide for the expenses of erecting cottages for the new settlers, and perhaps for affording them some assistance to procure seed-potatoes and provisions until their first crop of potatoes became available. The expense of this outfit might also be defrayed without adding to the national burthens, by empowering the government to raise the sum required for that purpose upon life annui-



ties, to commence at a period to be fixed at the time of granting them, say five years after the date thereof, and then refunded by a small land-tax leviable upon such lands, to be deducted by the tenant from the rent payable to the landlord under the valuation hereinbefore mentioned.

The sum required for the purpose of effecting this great national improvement would not be considerable, and the burthen of its repayment, in the manner we have described, would be unfelt by the tenant; but even supposing that the necessary outfit should be paid out of the national resources, it would soon be saved by the reduction in the expense of apprehending, prosecuting and transporting felons, and of maintaining a large military and police establishment, which will be required so long as the evil we have described continues unredressed. While the pressure upon land would be diminished by the plan we have proposed, which is obviously the first step towards the establishment of a more healthy system of the relations between landlord and tenant, some provisions would be necessary to prevent the possibility of new tenants being permitted to occupy the places of those who had been removed, and of securing to those who remain the value of their improvements. A bill was submitted to Parliament during the last session by Mr. Sharman Crawford for the last-mentioned purpose, which was only withdrawn on the promise of the prime minister that the subject should, during the recess, receive the consideration of the government. Besides the precedents of legislative interference with landlords in this country, from the reign of Henry IV. to that of Elizabeth, which we have quoted, there have been several enactments for transferring from the overburthened tenantry in Ireland to the landlords, a proportion of the payments for tithe and poor-rates,—and others which were passed for the encouragement of planting, enabling tenants for lives or years to secure, by a system of registration, the property in trees planted by themselves,—and to recover from their landlords a portion, and, in some cases, the whole of the expense of making fences. The principle of such acts might be extended by securing to the tenant, under proper regulations, at the expiration of his lease, the benefit of useful improvements, such as building farm-houses necessary for the proper cultivation

λ of the land, subsoil and other draining, reclamation, etc., which are attended with a considerable expense of labour and capital, that permanently increase the value of the soil.

Admitting the abject state of the peasantry of Ireland to be at the root of the calamities which afflict that country, can any reflecting person suppose that this evil has a better chance of being mitigated or removed by an Irish parliament, elected for the purpose of considering this and other matters of pressing interest, than by the wisdom and power of the legislature of the United Kingdom, removed from local prejudices, and free to a great extent from any personal interest in the question? The Irish gentry, many of whom were ardent supporters of Catholic Emancipation, were at the first reformed parliament removed from the representation of the principal counties and towns in Ireland to make way for persons who had no other claims on the constituencies than that they were recommended by Mr. O'Connell, and were willing to take the repeal pledge. It appears therefore probable that if the Union were repealed, a great part of the parliament at College Green would be composed of members whose claim to the suffrages of the people had been founded on their not possessing any landed property whatever. Mr. O'Connell considers that the commission appointed for the purpose of taking evidence on the state of the existing relations between landlord and tenant in Ireland is objectionable, because a moiety of its members at least do not belong to the class of tenants. This objection would surely be quite as valid in reference to a parliament, to which would belong the more important duty of enacting laws for the settlement of this question. He observes in his letter to Mr. Ray, dated Derrynane Abbey, December 15th,—

“ But the greatest fault of all is the making the commission consist exclusively of landlords. If it was intended to work it well, and to inspire confidence, there certainly would have been *at least* two of the tenant class as commissioners. [The commission consists of four persons.] It would then cease to be a one-sided, left-handed commission. Both parties would be represented; both parties would then be heard to make out each his case. All landlord and no tenant does not smack of fair play, or indeed of political honesty. As it stands at present, it exactly resembles a board of foxes gravely deliberating over a flock of geese, how they shall pluck them alive with the least pain to the geese and the least trouble to themselves. Heaven help the poor plucked geese! \*”

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\* Copy of letter as inserted in the *Times* newspaper of 20th December.



But it is time for us to make some observations on the publication which we have placed at the head of this article on the important subject of repeal.

Mr. Montgomery Martin professes to inquire, "with an anxious solicitude for the discovery of truth," into the accuracy of the charges made against the course of the policy adopted by England towards Ireland, and the effects of the union between the two islands. His first chapter contains a rapid glance at the political state of Ireland from the earliest times to that period, setting forth her misery and turbulence under a separate parliament, for the purpose of proving that a legislative junction with Great Britain was the only chance left for her peace, freedom and prosperity, after "the fifty-third rebellion of hatred to England\*."

We are convinced that two parliaments, independent of each other, could not possibly co-exist in this kingdom, and we have in our last number stated at some length our reasons for this belief; but although a repeal of the union would be productive of the most fatal consequences, we cannot concur with Mr. Martin in the view he takes of the policy of England towards Ireland, in which he can see nothing to blame. We feel always more inclined, in reference to this subject, to look towards the future than recur to the past, and we have no desire to retrace the wide-wasting evils which have afflicted the sister kingdom; but as many of these evils were caused by ignorance and prejudice, their entire removal will depend upon the spread of the generous sentiments of natural equality existing amongst all conditions of men,—sentiments which are engraved upon the human heart, and consonant with the dictates of reason and virtue. The English love fair play and detest oppression; and if they believe that the Irish have suffered wrong, an appeal to their feelings and judgement is scarcely necessary to impress them with the conviction that it is most excusable in the sufferers to accept nothing less from the Parliament of the United Kingdom than the most ample justice. We refer to Mr. Martin's book, therefore, because we feel assured that there exists no national hatred in the breasts of the Irish people, unless it be a hatred of oppression, which

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\* Part i. p. 27.

they share in common with their English brethren ; and that nothing can be more injurious to the best interests of the United Kingdom than the propagation of erroneous notions concerning a question which occupies so large a share of public attention.

At the opening of the first chapter of this work we find the following observation : “ of the aborigines of Erin we know as little certain as we do of the early inhabitants of Albion ; but national pride has been strained to the utmost limit to display antiquity of descent.”

There is a tendency in human nature to dwell upon the remembrance of past greatness in proportion to the gloom and hopelessness which may pervade the present. This state of feeling is found to exist most commonly in Ireland amongst the population of the south and west, accompanied very generally with that mental languor which follows in the train of baffled or unsuccessful exertion ; for it cannot be denied that the spirit of the people in many of these districts has been broken, and their energies wasted in fruitless attempts to raise themselves above difficulties which have proved to be beyond their control. They fondly cherish old habits and prejudices, repeat old legends, and chant old songs in the plaintive and touching melody of the country ; while every hill and valley supplies some monumental record of a period which has long passed away, to which they cling with pride and veneration. The rude stones and pillars, the holy wells, the sacred hills, the round towers, the massive cairnes, the gigantic cromlechs or altars, and other vestiges of ancient superstition, which appear to mock the ravages of time, are commonly seen in the immediate vicinity of the church, which the early Christians were accustomed to erect on the site of the primitive worship, for the purpose, as Mr. Moore has observed, “ of enlisting in the service of the new faith the religious habits and associations of the old.” Nor have change of time and modern influences yet removed all traces of that worship of which these monumental piles are evidences. The holy wells still retain, in the opinion of the peasantry, the healing powers which antiquity ascribed to them ; numbers resort at particular seasons to avail themselves of their purifying influences, and pilgrims still repair to make their “ stations ” and perform



their rigorous penances at the sacred hills where the Druids held their meetings and the priest offered the sacrifice.

Without resorting to popular legends or bardic writers for proofs of high antiquity, it is admitted that literature and science were much advanced in the "sacred island" when most of the countries of Europe were in a state of barbarism. Tacitus states that in his time the waters and harbours of Ireland were better known through the resort of commerce and navigation than those of Britain \*; and Camden remarks, that soon after the time of St. Patrick "the Saxons flocked to Ireland as to the great mart of learning, and this is the reason why we find this so often in our writers, *amandatus est ad disciplinam in Hibernia*—such a one was sent over to Ireland to be educated." Sir James Macintosh has confirmed the authenticity of the claim of Ireland to an early civilization by his high authority.

X "In one respect," he observes, "Irish history has been eminently fortunate. The chronicles of Ireland, written in the Irish language, from the second century to the landing of Henry Plantagenet, have been recently published, with the fullest evidence of their genuineness and exactness. The Irish nation, though they are robbed of many of their legends by this authentic publication, are yet by it enabled to boast that they possess genuine history several centuries more ancient than any other European nation possesses in its present spoken language: they have exchanged their legendary antiquity for historical fame. Indeed no other nation possesses any monument of its literature, in its present spoken language, which goes back within several centuries of the beginning of these chronicles †."

It is certain, as Mr. Martin states, that Ireland, long before the landing of Henry II., suffered the fatal effects of disunion amongst her people, which her enemies naturally turned to their own advantage. Her civilization had been checked by a series of invasions from the north of Europe, which had evoked the warlike disposition of the nation. The chiefs who protected assumed in return a despotic authority over their retainers, and when foreign aggression had been repelled, their arms were commonly turned against each other. X Their constitution was patriarchal; and although this primitive form of government was sufficient for the protection of

\* "*Melius aditus portusque per commercia et negotiatores cogniti.*"—*Tacit. Agricol.* c. 24.

† *History of England*, vol. i. chap. 2. p. 88.

life and property in the early stages of civilization, it was productive of little besides anarchy and strife amongst these turbulent tribes. The nation was divided into four provincial monarchies, under one supreme head, and these were again subdivided into a number of minute principalities, each of which was governed by a Dynast, or petty king. These sovereigns made war upon each other according to the dictates of their interests or their passions; and as the office of dynast was elective in the family of the chief, there was a constant struggle for the succession. The law required that the inheritance should be equally divided amongst the sons on the death of the parent. Lands were therefore newly partitioned upon every change of dynasty, and the inferior tenants were conveyed with them; so that property, upon the tenure of which civilization so much depends, was in a constant state of fluctuation, which was fatal to the formation of any fixed habits of industry amongst the people, and to the growth of those moral restraints by which its possession is always attended. Ireland therefore exhibited, at the period the English arrived in that country, nearly all the evils of the feudal system without its redeeming virtues. There was unhappily an absence of that national feeling of clanship which has so honourably distinguished many other tribes, not superior to the Irish in courage and endurance, and which could alone cement such isolated confederacies by a general bond of union. Foreign aid was frequently sought to turn the balance in their mutual strife; and when the dethroned king of Leinster applied to Henry II. to come and invade his native land, he only made a request which, according to Tacitus, a fugitive Irish prince had made to Agricola several centuries before.

Upon the arrival of Strongbow and the Anglo-Normans in Ireland, the first town they besieged was Wexford, which was situated within twelve miles of that part of the coast where they landed. It made a gallant defence, but finally the citizens resolved to capitulate, and the invaders promised to pardon their "*rebellion*" upon surrendering the town and giving hostages for their future fidelity. We presume that this is one of the *fifty-three* instances of "*rebellion*" to which Mr. Martin has referred. In a note to Mr. Moore's '*History of Ireland*' he truly observes, "thus early was it considered re-



bellion in the Irish to defend their own rightful possessions." A similar view of the historical relations between the two countries has continued to be entertained ever since. Thus Thomas Warton, in the preface to his spirited ode, "Stately the feast and high the cheer," speaks of Henry II. "undertaking an expedition into Ireland to suppress a rebellion raised by Roderic king of Connaught," and describes him in the ode as

"Prepared to stain the briny flood  
Of Shannon's lakes with rebel blood \*."

Mr. Martin states that Ireland could not at the time Henry was invited over to that country "be considered as ranking amongst the kingdoms of the earth," and that on his arrival "he immediately began the task of incorporating the two islands."

X Before the landing of Henry II. Strongbow had obtained possession of Dublin and the adjacent country, together with other seaport towns and forts, which Henry consented should be held in perpetuity by him and his heirs under homage to the English crown. That monarch had the address to persuade the people, that his sole purpose in coming to Ireland was to protect them from the aggressions of his own subjects. He was most courteously received in Dublin by the inhabitants, and the melancholy picture was presented of Irish lords and chieftains proffering allegiance to a new master. It is further stated by the chronicler of this period†, that the king celebrated the festivities of Christmas with great state in the Irish capital, and that English and native guests mingled at the festive board. An old English writer compares the Irish metropolis at this time, in extent of commerce, with the city of London, which leads us to doubt the absence of civilization that Mr. Martin considers to have characterized Ireland on the landing of Henry II.‡

Lord Lyttleton quotes Mathew Paris to prove that Henry, at this period, conferred upon Ireland the great boon of

\* Moore's Ireland, vol. iii. p. 215.

† Hoveden.

‡ "Düvelinum, urbem maritimam, totius Hiberniæ Metropolim, portuque celeberrimo in commerciis et comestibus nostrarum æmulam Landoniarum."—*Guliel. Neubrig. Rerum Angl.* l. 2. 26.

changing the Brehon law, by which Ireland was then governed, for the laws and customs of England, an error which is adopted by Mr. Martin: the benefit of English laws was confined to his English subjects settled within the pale, in return for their allegiance. He also made grants to his followers with a most bounteous hand, conferring a territory of not less than 800,000 acres on Hugh de Lacy, and granted Meath, the ancient patrimony of the kings of Tara, to another. In reference to this example of usurpation, Lord Lyttleton remarks, "the transferring an ancient kingdom of Ireland from "the present Irish possessors, and from every branch of that "race which could legally claim the inheritance of it, to an "English lord and his heirs, was a measure which the nation "could not easily approve or even forgive\*." He was not only prodigal in his transfer of wide domains to his subjects, but he conferred upon them titles of honour heretofore unknown in Ireland, such as lord constable, lord marshal, high steward, king's butler, and other dignities, when he departed for England, leaving the country almost struck dumb with these bold encroachments on the right of the natives to their own soil.

The English Pale, which was called *par excellence* "the land of Ireland," and which comprised about one-third of the kingdom, remained for many centuries afterwards an isolated colony in the midst of a hostile people—the one enacting the most severe laws against the "Irish enemy," and the other endeavouring to atone for their early submission by the most zealous opposition to all further encroachments. This was the first page in the sad annals of that ill-fated country, in which "a state of mutual hostility was recognized as the "established relationship between the governing and governed." It is stated by Mr. Brodie in his introduction to the 'History of the British Empire,' in reference to this period, that "the Septs that were expelled from their habitations in "vain sought an asylum in the more inaccessible parts of "the country, since hostile Septs, to which they were invaders, opposed their inroads."

In the succeeding reigns many acquisitions were made by

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\* Book iv.



the English settlers by means so indefensible, that in comparison to them violence might have been considered justice. In the reign of John, Cathal king of Connaught surrendered two parts of his kingdom to the English crown, on condition that he should be assured in the safe possession of the remaining portion; but notwithstanding this solemn engagement, the whole of that kingdom was in the succeeding reign bestowed upon Richard de Burgh by a grant of King Henry III.\* Edward I. was so much engaged in the conquest of Wales and his attempts to subjugate Scotland, that he had little time to attend to his subjects in Ireland. We find, however, that in the early part of his reign a petition was addressed to him by the Irish people, praying that he would extend to them the benefit of English laws, which sufficiently proves that at the council held by Henry II. at Lismore, where Lord Lyttleton considered that the laws of England were bestowed upon the Irish, it was the English subjects of the king that were secured in the enjoyment of their own laws, and not the natives themselves. The petitioners in this case offered to pay 8000 marks to the king in consideration of this boon. The prayer of this petition was strongly recommended to the consideration of the English settlers, but it would appear that no general measure of the kind was granted by them; that some favoured persons, however, were admitted to the privileges of English laws in this and the succeeding reigns, is proved by the licenses issued for that purpose, the forms of which are to be seen in Prynne†. There is a record cited by Davies which shows that the Irish were not considered within the protection of the law by the Anglo-Irish lords, where a murderer avows his commission of the act, but pleads that his victim was an Irishman‡.

In the reign of Edward II. a remonstrance was addressed to the pope by O'Neil, prince of Tyrone, on behalf of the chiefs and gentry of Ireland, containing a particular account of the injuries inflicted upon them and their ancestors, wherein they state that every possible effort had been made

\* Cox.

† Prynne, p. 258.

‡ Davies, Rolls, 4 Edw. II. "*Bene cognovit quod prædictum Johannem interfecit; dicit tamen quod per ejus interfectionem feloniam committere non potuit, quia quod prædictus Johannes fuit purus Hibernicus.*"

to extirpate the native race by the English intruders in order to appropriate to themselves the sole dominion over the soil, and that while "the fairest portion of the island had been usurped by them, the rightful proprietors were driven to the bogs and mountains, and even there were compelled to fight for some dreary spot on which to exist."

With respect to the laws they recite—

"First, that no Irishman, however aggrieved, could bring an action in the king's courts, though against himself an action might be brought by any person who was not an Irishman; second, that if an Englishman murdered a native, however innocent and exalted in rank might be the latter, or whether he were layman or ecclesiastic, or even a bishop, no cognisance could be taken of the crime in the king's courts; third, that no native woman married to an Englishman could on his death be admitted to the claim of dower; fourth, that it was in the power of any English lord to set aside the last wills of the natives subjected to him, and dispose of their property according to his own pleasure, appropriating it all, if such were his inclination, to himself\*."

During the reigns of the Edwards a continual struggle was carried on between the English settlers and the Irish, diversified occasionally by severe contentions amongst the English themselves, in which the assistance of the Irish chieftains was occasionally sought to turn the scale by one or other of the contending parties. From this resulted frequent intermarriages between the English settlers and the natives, until the former were declared to have become more Irish than the Irish themselves.

Edward III. was much opposed to this amalgamation of the two races. He openly announced his intention to exclude the descendants of the conquerors from all share in the government of Ireland, and to replace them by English officers who had no possessions in that country. An act was also passed, called the Statute of Kilkenny, which made it high treason for the English to intermarry with the natives, or hold any connexion with them in the way of "fostering or gissipred." At the end of the reign of this monarch the Irish had succeeded in recovering a considerable portion of their possessions; only four shires remained that could be included within the English Pale, all other parts of Ireland,

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\* Moore's History of Ireland, pp. 73, 75, and Phelan's History of the Policy of the Church of Rome in Ireland.



with their Anglo-Irish and native population, having fallen away from the English crown. Mr. Moore refers to a curious entry in one of the Issue Rolls of the Exchequer at this period, which he observes "may for its quiet significance deserve to be noticed. Richard Dere and William Stapolyn came over to England to inform the king how very badly Ireland was governed. The king ordered them to be paid ten pounds for their trouble\*."

Richard II. availed himself of an interval of security at home to repair to Ireland, for the purpose of reforming abuses and recovering the footing in that country which the English had lost. He landed at Waterford at the head of a large army and made conciliatory overtures to the Irish, on which no less than seventy-five native chieftains proffered to him submission and allegiance. In a letter to his council in England, narrating his proceedings, he observes:—"There are in this our land three classes of persons,—the wild Irish or enemies, Irish rebels, and English subjects; and considering that the rebels have been made such by wrongs, and by the want of due attention to their grievances, and that if they be not wisely treated, and encouraged by hopes of favour, they will most probably join themselves with our enemies, we think it right to grant them a general pardon, and take them under our special protection†." However laudable may have been the dispositions of the young king towards the Irish people, the troubled state of England afforded him little time or opportunity for carrying them into effect, and soon afterwards a sudden revolution at home transferred his crown to Henry of Lancaster, and committed him to that prison which, as the chronicler of the period quaintly states, "every man might well consider he would never come out of alive; but how he died, and by what means, I could not tell when I wrote this chronicle‡."

Amongst the nobles who accompanied Richard to Ireland was young Henry of Monmouth, who in after years did not forget the valour of the people amongst whom he had made

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\* History of Ireland, vol. iii. p. 116.

† Proceedings and Ordinances of the Privy Council of England, edited by Sir Harry Nicholas.

‡ Bern. Froiss. vol. ii. ch. 249.

his first trial of arms. When, as Henry V., he made his second invasion of France, a body of native Irish joined him at the siege of Rouen, under Thomas Butler, prior of Kilmainham, and, according to Froissart, "they so did their devoir that none were more praised nor did more damage to their enemies;" and in the following year "the Irishmen overcame all the Isle of France, and did to the Frenchmen damages innumerable\*." It is painful to think that when the Irish were freely devoting their lives to the extension of that dominion which they have since assisted to uphold in every quarter of the globe, and which it is not too much to say they have had no mean part in sustaining in every well-fought field where British power has been assailed, the English crown did not secure to them the benefits of that constitution at home for which they had so frequently petitioned, and thus wisely complete by the law the conversion of the Irish into subjects,—“a work which the sword had left so mangled and imperfect.” At this time a petition was presented to the English parliament from the king's subjects in Ireland, setting forth that “whereas the said land is divided between two nations, that is to say the said petitioners, English and of the English nation, and the Irish nation, those enemies to our lord the king, who by crafty designs secretly, and by open destruction, making war, are continually purposed to destroy the said lieges and to conquer the land, the petitioners pray that remedy thereof be made†,” etc. The chief purport of its prayer was that no Irishman should be presented in future to any ecclesiastical office or benefice.

It would be tedious to multiply examples, but from what we have stated it will be apparent, that so far from any attempts having been made by the early kings of England to amalgamate the new settlers with the natives of the country, they refused on the contrary the petitions of the latter, praying they might be united together by equal laws. The country was for centuries governed by the most arbitrary maxims, and a prey to anarchy and misrule. The native who struggled for his rights was considered an enemy, and was so designated in the laws that were passed to enforce his subjec-

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\* Hall's Chronicle.

† Moore's History of Ireland, vol. iii. p. 156.



tion. That these contests were carried on with great cruelty on both sides we admit, but in estimating the comparative demerits of the parties it is just to regard their intentions and designs. The object of the one was aggrandisement, that of the other a defence of their rights, a cause which should be deemed sacred, although disfigured in this case by crimes, which however belonged more to the period than the people. When the English settlers required obedience from the Irish, they unreasonably declined to enter into any agreement or compact to limit their own power within just bounds; and even in the case of conquered nations it is held by Grotius, Puffendorf and other writers on national law, that in order to render dominion lawful, and of sufficient force to oblige the consciences of those who submit to it, it is requisite that the vanquished expressly or tacitly promise to acknowledge the conqueror for their master, and that he on his part should forbear to treat them as enemies. So long therefore as the Irish were deprived of protection to life and property, which are the first objects of all government, the English settlers had no title to their obedience. The estates of the Irish were several times confiscated, and punishments the most severe, including that of death, often inflicted on individuals and communities in a struggle prolonged for centuries. The cruelty and oppression of peace were not less intolerable than the calamities of war. The effect of the commission issued by James to inquire into defective titles was to transfer 385,000 acres in the counties of Leitrim and Longford alone from the proprietors to the crown. Those who discovered defects in titles were allowed half the advantages. Juries appointed by the commissioners found that the king was entitled to all lands held by the Custom of Tanistry. "Surrenders," says Hallam, "were extorted by menaces; juries refusing to find the crown's title were fined by the council; many were dispossessed without any compensation, sometimes by gross perjury, sometimes by barbarous cruelty."

The Duke of Buckingham took a lease of the customs of all the ports in Ireland in the reign of James I., the produce of which was to be equally divided between himself and the king. Charles I. promised certain concessions to the people, the principal of which were, "a relaxation of the laws against the

“celebration of public worship, and a security of the subject’s “title to lands against the crown after sixty years’ possession,” in consideration of a large subsidy; but the royal faith was broken after the money had been received, and this was the chief cause of the rebellion of 1641, in which the Anglo-Irish were as generally engaged as the natives\*. Notwithstanding, however, that these injuries were inflicted, and these remonstrances unheeded by the king, the Irish, true to their allegiance, did not withhold their assistance from him, and steadily adhered to him in his fallen fortunes.

Cromwell afterwards declared that the Irish nation had in their adhesion to Charles been guilty of rebellion, and that the lands of all persons who had served the king were forfeited to the state. After he had subdued the country and the inhabitants had suffered cruelties, which, in the opinion of Clarendon, were never surpassed, except by those inflicted on the Jews by Titus,—he passed two acts, one of which was called “the Act for settling Ireland,” and the other “an Act of Grace,” by which the kingdom was divided amongst his officers and soldiers†. Forced conveyances and settlements were extorted from the proprietors and executed with all the formalities of a purchase and sale. At the Restoration a re-distribution of property took place, which was attended with little less suffering than the previous confiscation. In the succeeding reign everything was again thrown into confusion. The fidelity of the Irish to the Stuarts remained unshaken, and the Revolution of 1688 was followed by a three years’ war, which terminated by the Treaty of Limerick, containing several articles, only one of which was duly confirmed by statute‡. This epoch, productive of so many advantages to England, introduced into Ireland the series of well-known enactments, termed “the Penal Laws.”

We refer to such early passages of Irish history with some reluctance; but as our hopes for the future prosperity of that country depend upon a complete amalgamation between the

\* For the “Remonstrance” or list of grievances, handed to the king’s commissioners in 1643, stating the cause of taking up arms, see Carte’s *Life of Ormond*, vol. iii. p. 137.

† See Scobel’s *Collections*, anno 1652, c. 13.

‡ 9 William III. c. 2.



English and the Irish people, we feel that this object may be retarded by Mr. Martin's statements, that "the rebellion of 1641 was a rebellion of hostility to England and to the Protestant faith," and that Cromwell "confiscated the lands of the rebels, and gave them to those who assisted in the suppression and conquest of the most sanguinary bigots that ever lived\*."

The state of Ireland was little improved at a much later period of her connexion with this country; but for this her people cannot fairly be blamed: the causes have been as strongly stated by an English ministry as they could have been by Grattan himself. In 1799 a vote of censure upon ministers, for their conduct and neglect with respect to the affairs of Ireland, was moved in the House of Commons in England by the Earl of Upper Ossory and seconded by Lord Middleton. They contended in their defence that the distresses and miseries of that country could not justly be attributed to them. That her grievances originated many years before in the general system of trade laws. That the restrictions then laid on arose from a narrow, short-sighted policy, which, though conceived in prejudice and founded on ignorance, was yet so strengthened by time and confirmed by the habits of a century, that it seemed at length wrought into and become even a part of the constitution. That the prejudices on that ground were so strong, both within the house and without, that the attempts made in two preceding sessions only to obtain a moderate relaxation of the restrictions with which Ireland was bound met with the most determined opposition. The few who undertook that task found themselves obliged to encounter prejudice without, petitions and counsel at the bar, and to be at last overborne by numbers within the house†.

Mr. Martin's observations, that "Poynings' Act was at the time one of the most popular acts ever passed in Ireland, on account of the people being thereby relieved from thousands of local oppressions under the cover of acts of parliament‡," require some notice.

\* Ireland before and after the Union, part i. p. 21.

† Collectanea Politica, vol. i. p. 173.

‡ Part I. p. 11.

Before the year 1782, England had exercised a right of internal and external legislation over Ireland. The ground upon which the first was sought to be justified, was, as laid down by Coke, that the "kings of England, sometimes calling their "nobles of Ireland to come to their parliaments, Ireland was "in so much represented; and being so represented by special words, the parliament of England might bind the subjects of Ireland." This was clearly in order to bring the claim of England within the meaning of that fundamental principle of the British constitution, that legislation and representation are inseparably connected. The claim of England to external legislation was founded on her right to the dominion of the sea, laid down in the common-law books, and declared by the statute of 20 Henry VI. c. 9, which recites in Norman Latin, of which the following is a translation, "that "the parliament of England cannot bind Ireland as to their "lands, for they have a parliament there; but they may bind "them as to things transitory, as the shipping of wool or "merchandize, to the intent to carry it to another place beyond sea." It is obvious that this declaration defeated the right to internal legislation claimed by England over that country, so soon as a local parliament was established in Ireland. Previous to the year 1495 the mode of enacting laws in Ireland was similar to that which existed in England. When either house of parliament considered it expedient to pass a new law, it drew up a petition to the king, setting forth the evils which this enactment proposed to remedy, and praying that they might be thereby redressed. If both houses gave their assent to the petition, it was entered on the parliament-roll and forwarded by the lord lieutenant to the king, who either consented to the passing of the entire measure, by saying "let it be as desired," or accepted a part, and either refused or left the remainder unnoticed, or refused the entire, by saying, "let the ancient laws be observed," or "the king will deliberate." The answer was then entered on the roll, which was sent to the judges; and in case the petition or any part of it had been consented to by the king, they prepared the act accordingly, which was afterwards proclaimed in the several counties.

The first chief governors of Ireland were selected by the



king out of the lords of the pale, who being much left to themselves during several reigns, assumed the power of calling parliaments and consenting to laws without any consultation with their sovereign on the subject, and which they sought to justify by the necessity that they declared existed for passing without delay measures required for their preservation during the civil commotions which then prevailed. In the reign of Henry VI., Richard duke of York, who had pretensions to the English crown, was induced to accept the office of chief governor of Ireland, where he endeavoured to indemnify himself for the loss of that sovereignty to which he deemed himself entitled, by exacting powers almost regal in his new government. His appointment was for a period of ten years; he had unlimited control over the revenue arising in Ireland, besides a considerable annual allowance from England, and was permitted to farm the crown-lands, to appoint to all offices, and to raise soldiers as he might deem expedient. His wealth and station gave him much influence over the Anglo-Irish, who devoted themselves to the fortunes of his family; and in the reign of Henry VII. they crowned the impostor Lambert Simnel at Dublin as king of England, and were afterwards ready to follow the banners of Perkin Warbeck. It was to put an end to this system, which was not less injurious to the interests of the Irish people than subversive of the authority of the crown, that the law of Poynings was passed in 1495, which, however, in removing one evil, created another of scarcely less magnitude, by depriving Ireland for nearly three centuries of the benefits of the British constitution.

This act repealed the law for annual parliaments, which were afterwards to be summoned at the pleasure of the crown, and constituted the lord lieutenant and council, or the king, by whom they were appointed, the origin of all measures, which could not be taken into consideration by parliament until they had been proposed by the former to the two houses. A doubt however arose on the construction of the act, as to whether, when parliament had met, the Lords and Commons were restrained by its provisions from considering any acts except such as were certified and affirmed by the king in council to be good and expedient; or whether their former rights, which

had not been expressly repealed, were not still continued in respect of originating other bills. That the Commons occasionally acted upon the latter opinion is confirmed by an act passed in the twenty-eighth year of the reign of king Henry VIII., which suspended the law of Poynings with respect to acts already passed or to be passed in that parliament. Under the provisions of 3 and 4 Philip and Mary, c. 4, the act of Poynings was explained; and it was thereby provided that neither Lords nor Commons in Ireland should frame nor propose bills to the crown, but that all such measures should be first prepared by the privy council of Ireland, and afterwards consented to or altered by the king and council of England: when, being returned in the shape of bills, they might be refused or accepted, but not altered, by the Lords or Commons in Ireland.

The Irish parliament constantly struggled to obtain what they declared to be their ancient right of originating bills, and seemed to imagine that they enjoyed some portion of it in practice, by originating measures under the name of "heads of bills," to be afterwards submitted to the privy council; but as the latter considered themselves legally entitled to frame the bill, although they did not always object to adopt the suggestions of the Lords and Commons, yet they exercised their right of remodelling such measures before they forwarded them to the king and council of England, where a similar power of alteration was exercised; and the two houses of parliament in Ireland having no power to alter a bill which returned to them under the great seal of England, could only accept it or reject it altogether. It had been long held by the liberal party in England, that to constitute the privy council of Ireland a branch of the legislature was an essential infringement on the British constitution, and that the English act 6 Geo. I. c. 5, which was passed for securing the dependency of Ireland upon the crown of Great Britain, and which declared that the Commons of Great Britain in parliament assembled had full power and authority to make laws to bind the kingdom and people of Ireland with respect to their internal government, was contrary to those first principles which required that a people should be represented among those by whom such laws were made; and it was upon



this ground that Mr. Fox induced the British parliament to agree to the resolutions prepared by Mr. Grattan in 1782, and to repeal the act of 6th of George I. He drew a marked distinction, however, between internal and external legislation, the latter of which he declared was essential to the best interests of the empire with respect to countries united to the British crown, and was in reason and policy annexed to the British legislature.

The act of the succeeding year, which provided that the people of Ireland should be bound only by laws enacted by his majesty and the Irish parliament, was introduced during the short administration of the earl of Shelburne, and passed by his successor the duke of Portland: but it was at that time generally acknowledged that this bill was only to be a part of a more extensive scheme, which would place the interests of the two countries upon a more solid basis, and prevent the occurrence of differences which might end in a separation. This measure was delayed from time to time, and the rejection of the commercial propositions of the English parliament by Ireland, in 1785, convinced all persons in this country that a union was absolutely necessary to prevent the conflicting operations of independent legislatures.

It is held by a high authority, that when two countries, like England and Ireland, have become incorporate by an act of union, the two contracting states are totally annihilated, without any power of a revival; and a third arises from their conjunction, in which all the rights of sovereignty, and particularly that of legislation, must of necessity reside\*. We have already expressed our conviction that a repeal of the union would terminate in separation and a dismemberment of the empire. We know of no means whereby a state of peace, good-will, mutual assistance and preservation can be maintained between two countries, where questions are certain to arise involving a conflict of interests, and where there exists no power on earth to determine such questions between them. In such a case an appeal would only lie to the sword. On the other hand, if the crown, under the advice of the British minister, had the power to reject for an indefinite period any

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\* Warburton's '*Alliance*,' p. 195.

bill which had been passed, even without a dissenting voice, by the Lords and Commons of Ireland, then independence could only exist in name; for the constitutional check of the responsibility to parliament of the minister who advises the crown would not exist in the case of Ireland, as he would be independent of the legislature of that country. The crown itself might become a subject of legislation; and supposing an act should pass in the English parliament restraining its prerogative, and that the Irish parliament should refuse to be bound by that enactment, as was at one time the case in respect of the power to be exercised by the Regent, what tribunal could determine between them? Ireland would claim to pass laws independent of England for the protection of her own commerce. If so, England might reasonably claim a similar right; and if such commercial regulations should clash, how are they to be reconciled? Supposing that a commercial difference should arise between Ireland and any foreign country, as was at one time the case during her nominal independence with the court of Portugal, how is that difference to be settled? If Ireland were inclined to go to war to enforce her rights or resent an insult, and England should be disposed to remain at peace and refuse her aid for such a purpose, the unity of the empire would be a mere fiction. If in negotiations with foreign powers, the terms agreed to by England should be objected to by Ireland, what would become of the boasted power of this country?—We trust that the good sense of Ireland is sufficiently alive to the impracticability of carrying repeal, without involving a separation from England, which all parties unite in deprecating.

The people, who have palpable grievances to redress, are in favour of repeal, for the same reason that they were in favour of catholic emancipation,—that by its means they hope these grievances will be removed.

In a repeal petition to parliament, adopted by the corporation of Dublin in February 1843, it is stated that the most beneficial effects to trade and manufactures followed from the legislative and judicial independence of Ireland obtained in 1782. The history of that period does not supply us with any such flattering results. In 1784 thousands of people, many of whom were manufacturers, crowded the streets of



Dublin in an almost famished condition; it became necessary to afford them temporary relief by public subscriptions, which on this occasion were liberally entered into. About this period public loans to a large amount had been advanced to individuals for the encouragement of manufactures, but these attempts in most cases unfortunately failed. Towards the close of that session, Mr. Gardiner (afterwards Lord Mountjoy) moved a series of resolutions in the Irish parliament on the subject of the great and universal distress which then prevailed. He observed, on this occasion,—

"This misfortune is not particular,—it is universal: not confined to Dublin, it extends to Cork, Limerick, Waterford, the Queen's County, and every part of the kingdom where the woollen manufacture is carried on,—not limited to even the woollen, but affecting every manufacture in this country."

And again he observes,—

"Another expedient for the relief of the country was establishing manufactures here, but this has ended generally in the ruin of those who have attempted it, in consequence of the British merchants sending over an abundance of the manufactured article, and selling it cheaper than it could be produced in Ireland \*."

This would appear to be conclusive with respect to the growth of manufactures at that period. Mr. Grattan has shown that the legislative independence of the country did not in reality exist: he said in the House of Commons in 1792,—

"The people of Ireland would not consent to be governed by the British Parliament,—an expedient was devised—let the Irish Parliament govern the people of Ireland, and Britain govern the Irish Parliament. She was to do so specifically in those subjects in which she has been most oppressive,—monopolies of commerce east and west. \* \* \* The path of public treachery in a principal country leads to the block; but in a nation governed like a province, to the helm. The second attempt was modelling the Parliament. In 1789, fifteen new salaries, with several new pensions to the members thereof were created at once, and added to the old overgrown parliamentary influence of the crown,—in other words, the expenditure of half a million to buy the House of Commons†."

Mr. O'Connell has praised the constitution of 1782. Mr. Grattan, who observed its entire progress, has condemned it. "I allow," said he, "the British constitution to be the best,

\* *Collectanea Politica*, p. 420-429.

† *Parliamentary Register*, vol. xii.

"and I arraign this model as the worst, because practically  
"and essentially the opposite of that British constitution\*."

X We may be told that the Repeal parliament would be beyond the reach of ministerial influence, returned as it would be by general or universal suffrage. It appeared in 1794 that more than half the inhabitants of Ireland were exempted from the Hearth-money tax for want of property. The census recently published shows that the majority of the people who possess no property has very considerably increased. Supposing this majority to have votes, as they would under the scheme of general suffrage, such persons would return the new members to parliament, and thus would practically make the laws and vote the taxes. Property would be disfranchised by electors who had none, unless indeed its owners chose to be represented by purchasing the mob. It would be natural that the first law of a parliament so returned would be to make an equal division of property, so that the majority of electors should be at least as well provided for as the minority. If to this were to be added annual parliaments and vote by ballot, the business of legislation must supersede that of agriculture and trade, and a reign of universal riot commence in "Young Ireland."

X The cruelties that were perpetrated, the injustice that was committed, throughout the period when Ireland possessed a local parliament and was subject to the British crown, hold out little hope that the restoration of such a system would prove a remedy for present evils. When two countries, with separate legislatures, are united under the same crown, the weaker must always submit, either by force or corruption, to the stronger. Scotland, like Ireland, was so united to England, and the results were the same to both countries. The local parliaments were corrupted, trade restricted, and a prevailing caste, to whom the avenues to wealth and honour were open, were made the instruments for inflicting degradation and misery on the people. The Presbyterian clergy in the one, entirely unconnected with the state, and without any provision save what they received from their congregations, opposed the civil government, and were persecuted by it. The

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\* Parliamentary Register, vol. xii.



Catholic clergy, in the other, were sorely oppressed by penal laws, in common with the people from whom they derived support; and although tamed by their tenets and discipline into more submission to authority than the more determined and hardy presbyter, naturally entertained little regard for a government by which they were persecuted and degraded. In Scotland the Lords of Articles had the privilege of arranging the business which was to come before parliament, in like manner as the Privy Council in Ireland, and both alike prevented the advancement of popular rights. The people therefore in either country manifested little concern for measures that were under the consideration of the legislature; and, believing it to be useless to oppose a bill in its progress through parliament, contented themselves with disobeying it when it had passed into a law. The religion of the state being opposed to the religion of the people, temporal politics became an essential part of the functions of the clergy, and disputes respecting ecclesiastical immunities were mingled with contentions for popular rights. The union with Scotland gradually softened the enmities produced by violent oppression on the one hand and vindictive retaliation on the other; and, although the growth of political liberty and public improvement was checked for upwards of forty years by an aristocratical party, by whom and for whose advantage the country was governed, several healing measures, of which the abolition of heritable jurisdictions was the most prominent, contributed to increase the national prosperity and wealth; before the expiration of the reign of George III., the two countries had become completely amalgamated; and Scotland has since been as remarkable for order and industry, as she was before the union for strife and commotion. If Ireland were a distant province, its constitution dependent on commissions issued by the crown, under the authority of which parliaments were constituted and local ordinances enforced, its secession from the parent state would be a matter of less consideration. But it is an incorporated portion of the empire, where the people are united by a community of languages, laws, intermarriages, commercial relations and interests, and where a disruption of these ties, upon which the power and the prestige of the

empire depend, must be attended with calamities without number.

+ A Repeal of the Union would be therefore disastrous; but it is not less true that some large and comprehensive measures are absolutely necessary for the removal of serious local grievances, and the improvement of the social condition of Ireland. There has been no great popular movement in any country without some solid foundation of discontent; and it is the peculiar function of the minister, "amidst the noise and confusion of popular complaint, to learn the art of deciphering its often wayward language, and of discriminating the clamour of a moment from demands rooted in the nature and circumstances of society."

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*Note on Article IV. in the last Number.—Law of Debtor and Creditor.*

WE have been favoured with the following criticism upon our article on the law of Debtor and Creditor, from a pen in every way entitled to respect and consideration. "He (the writer of the paper) says, 'Imprisonment for debt *will* soon be abolished.' It *is* abolished completely already, and never can be more abolished. For every man is now free from all imprisonment unless he withhold his property, and who ever did so wild a thing as to free him if he withheld his property from his creditors? The line is drawn between *debt* and *crime*—for debt no man can now by law be imprisoned; but if he won't give up what he has, or if he has been fraudulent or grossly improvident in contracting debt, he is imprisoned to make him give up what he has, and *which belongs to others*, or to punish his misdeeds."

We cannot altogether acquiesce in the positions maintained in the above remarks. In the first place, the very useful law introduced by Lord Brougham is limited to non-traders and traders whose total debts do not exceed 300*l.*; and in practice it has been found that, in a variety of cases, such



limitation has prevented it from operating as a complete abolishment of imprisonment for debt. In some instances, petitions under that act have been dismissed by the Commissioners upon very narrow or technical reasons; and such dismissals leave the petitioners liable to imprisonment, and, be they ever so willing to surrender their effects, with no other resource for personal liberty but an application to the Insolvent Debtors' Court. Again, many traders who owe more than 300*l.* are unable to avail themselves of the relief afforded by the Bankrupt law from there being no creditor who will incur the cost and hazard of becoming petitioning creditor, and, as we have shown in the majority of cases, bankruptcy is sought by debtors as the only means of relief from an intolerable load of debt. Then the Commissioners have always the power of subjecting any bankrupt to future imprisonment at the suit of a creditor who has not proved under the fiat, by refusing the certificate. Here then the law of imprisonment for debt remains, and is not unfrequently put into operation under circumstances of considerable hardship. On the other hand, Lord Brougham's act affords the non-trading debtor, whatever be the amount of his obligations above 300*l.*, the right to petition for and obtain relief without imprisonment, but the creditors of such a debtor have no coextensive relief. They can only resort to imprisonment for debt "to make him give up what he has, and *which belongs to others*;" and it is not necessary here to do more than allude to the numerous cases in which that power is altogether illusory. Take, for instance, a debtor having a real estate mortgaged or in the hands of trustees, who may reside abroad, or a debtor having the privilege of parliament or the peerage, and see whether the creditors of such persons have any effective means to compel the distribution of their property.

It must be borne in mind, that in advocating the entire abolition of imprisonment for debt of any man at the suit, in a civil proceeding, of another, we proposed to apply to every one—trader or non-trader without distinction—that compulsory power of personal examination before a competent tribunal which is by the act of 1842 given to the creditors of a trader; and, where the debtor is absent, to adopt proceedings analogous to those in bankruptcy. With such means of dis-

covering the debtor's property, and on which, by our hypothesis, the title of the creditors would have then actually attached, we cannot suggest any conceivable case wherein imprisonment of the debtor could be necessary for the purpose of reaching his assets. If more stringent means for discovering and attaching property than at present by law exist in bankruptcy are required, let them be made without delay; but we have long been convinced,—and the evidence offered to the Bankruptcy and Insolvency Commission, to which we have so often referred in our paper, fully bears out that conviction,—that imprisonment for debt, under any modification, can be required no longer than until creditors shall have conceded to them a complete remedy against their debtor's property, whatsoever may be his condition of life. Experience has proved that nothing short of the powers given to the creditors of a trader will afford such complete remedy.

The only point which remains is, whether imprisonment in respect of debt, such as still exists, forms the best means of preventing fraud, or "gross improvidence," which is substantially fraud, and for punishing such misdeeds when they occur? We think we have proved incontestably that it is not. Imprisonment, which is contingent upon the accident of a debtor being remanded by the Insolvent Court,—for it is on the hearing of the petition for a discharge, and after (to an honest man) a long period of incarceration, that the question of fraud or no fraud first becomes the issue to be tried,—from which he may at any hour be released by an arrangement with his detaining creditors, is scarcely that which the enlightened legislator would select as the punishment for fraud upon creditors in this commercial country. Not only should the line be drawn between debt and crime, but it should be drawn as early and as distinctly as possible. Not merely every facility, but every inducement which the law can offer should be given to embarrassed persons to come to an early reckoning with their creditors, so that the waste of property which invariably ensues in the struggles induced by pecuniary difficulties may be avoided. Why should there not be legal distributions of a debtor's effects whilst they would pay a considerable dividend, if the obloquy which now attaches to bankruptcy did not render that process synonymous with commercial an-



nihilation? The honest man should feel assured that he is submitting to a process strictly and exclusively civil; he should know that, in every case of discovered fraud, the criminal tribunals must be resorted to, and thus the fact of a distribution in insolvency would imply no more than any other civil proceeding, the result of which may affix a stigma on a man for life, or it may simply deprive him of property. The attempt to mete out degrees of punishment for minor pecuniary delinquencies, by withholding or suspending certificates at the discretion of commissioners of bankrupts, or by remands to prison at the instance of individual creditors, when fairly examined, is nothing more than an endeavour—and commonly a fruitless one—to enforce by legal means those nicer obligations of trading morality which in general morals have been wisely left to the sanction of opinion. In a word, as the future credit of the debtor will depend upon the amount of his dividend and the circumstances which have produced his insolvency, that will form a far more accurate measure of his merits or demerits, criminal fraud being assumed to be absent, than any correctional power in a civil court can furnish. Nor practically would there be the slightest difficulty in drawing this line broadly; so broadly, indeed, that he who runs might read. Let our law reformers frame a chapter in our criminal code having express reference to such misdeeds against creditors as are deemed worthy of punishment, and whenever, in the investigation of an insolvent's affairs, instances of fraud, or such gross improvidence as is tantamount to fraud, appear, let the creditors be bound to prosecute. Persons who have only examined such questions superficially may be startled by what has the appearance, at the first blush, of a bold change; but to minds so disciplined as is that of our critic, it will obviously be nothing more than the legitimate sequence of the principles already established, and to a great extent reduced into practice, viz. that the property of debtors shall be the only resort of their creditors, and that the most complete means of resorting to such property is the creditors' strict right.

*Postscript to the Article on the Oregon Territory.*

SINCE the article on the Oregon Territory was sent to press, the Message of the President of the United States, delivered to Congress on the 5th of December 1843, has reached us, in which the President announces the renewal of negotiations with Her Majesty's government with the view of adjusting the question in dispute. We are not informed of the precise nature of the propositions which the American government has thus made, but the manner in which the subject has been introduced by the President to the attention of Congress requires some remark. In the first place the American claim, which was formerly limited to the 49th parallel of north latitude, is now extended to latitude  $54^{\circ} 40'$  north. The President alleges that "the United States *have always contended* "that their rights appertained to the entire region of country "lying on the Pacific, and embraced within  $42^{\circ}$  and  $54^{\circ} 40'$  "of north latitude," an allegation which a reference to previous negotiations will show to be inconsistent with the facts of the case. It is true that after the failure of the negotiation of 1826, Mr. Gallatin declared that the American government would not thereafter be bound by any line of boundary which it had previously proposed; still we have the recorded facts, that in the several negotiations with Great Britain in the years 1818, 1824 and 1826, the American plenipotentiaries, on each respective occasion, proposed *the forty-ninth parallel* as the northern boundary of the United States. At the date of the treaty of Ghent (1814) the United States regarded the forty-ninth parallel as their proper northern boundary to the Pacific, which Mr. Greenhow fully admits. "The treaty of "Ghent," says Mr. Greenhow, "contained no allusion to "boundaries west of the Lake of the Woods; the subject however had been discussed during the negotiation, and the "American ministers were instructed by their government to "consent to no claim on the part of Great Britain to the post "at the mouth of the Columbia, or to any territory south of "the line forming the northern boundary of the United States, "which was considered as running along the forty-ninth par-



"*alle of latitude.*" Speaking also in another place of the convention of 1825 between Great Britain and Russia, whereby the pretensions of the latter power were limited to the latitude of  $54^{\circ} 40'$ , Mr. Greenhow thus expresses himself:—"With regard to the territories extending southward from the said parallel, the right of occupation is claimed by both the other powers; *indirectly by the United States, but distinctly and to the exclusion of all other nations by Great Britain.*" It is therefore clear that the President has hazarded an erroneous assertion in saying that the United States have uniformly contended for the boundary-line of  $54^{\circ} 40'$  north. We are willing to hope that the claim is put forward merely as a pretension, to be retracted at a fit opportunity, for it would be an absurdity to suppose that any concession of territory north of the forty-ninth degree could, under any circumstances, be made by Great Britain.

With respect to the military posts recommended by the President, we are left in some uncertainty as to his precise meaning. If it be intended merely to establish posts for the convenience and protection of emigrants on the line of travel between the Missouri and the Rocky mountains, and within the recognized territories of the United States, then the proposal cannot be open to any objection on the part of Great Britain; but if it is designed to recommend the formation of *any military establishments within the disputed territory*, then it is right to state that such a proceeding would be a clear breach of the joint and neutral occupancy to which the United States have bound themselves by the conventions with Great Britain of 1818 and 1827, and a positive infringement of the rights possessed by British subjects under the treaty of the Escorial. The adoption of such a proposition would be to carry into effect the military occupation of the territory urged upon Congress by General Jesup in 1823, and recommended by President Monroe in 1824; it would be an act of violence, which the British government would be under the necessity of absolutely repelling, and must entirely suspend the progress of those diplomatic negotiations which President Tyler expresses so much anxiety to bring to a satisfactory result.

We trust that sufficient moderation and good sense will yet be found in Congress to prevent any steps being taken of a

character hostile to British interests, or inconsistent with the terms of the existing treaties. There is nothing in this question which makes its settlement impracticable, provided both parties are sincerely desirous of adjusting it upon a rational and equitable basis. In our previous observations we have alluded to the means of adjustment which may be resorted to, and it would indeed be lamentable if the American government should be driven by popular excitement to hazard a collision with the power of England, instead of seeking a solution of the difficulties of the case by the ordinary diplomatic courses of civilized states.



# INDEX

TO THE SIXTEENTH VOLUME OF

## THE BRITISH AND FOREIGN REVIEW,

OR EUROPEAN QUARTERLY JOURNAL.

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- ABERDEEN (Lord), his act for settling the affairs of the Kirk of Scotland, 176; extract from, and objections to his act, 186, 187, 194—197; his defence of the Serbian policy, 318; his despatch to St. Petersburg, 323.
- Academies, favour mediocrity, 93.
- Academy of Ancient Music, the, 414.
- Ackermann, the convention of, 307.
- Adrianople, the treaty of (1829), 307.
- Affghan, Sinde tributary to the king of, 210, 212.
- Agriculture, its profits follow a rule of development, 40; on outlay of capital in, 41; cost of transport in Mecklenburg, 43; analysis of expenses of farming, 46; rotation of crops, 48, 50; in Belgium, 53; grazing cattle in Germany, 54; improvements in, 55; effect of taxation on land, 57; on fertility of soils, 59; advantages it derives from trade and manufactures, 61, 65; profits of dairy produce, 62; origin of rent not limited to fertility of soil, 63; value of land near towns, 64; rents of land and cultivation in Belgium, 67, 68; proportion of agricultural rents, 71.
- Aix-la-Chapelle, the treaty of, 503.
- Alexander, his conquests in Sinde, 200.
- Alexander, prince of Serbia, elected to succeed Michel, 314; berat from the Porte to, 316; deposed and re-elected by the Serbians, 323, 324.
- Ali Moorad, his conduct to the British and Meer Roostum at Khyrpore, 250.
- Ameers of Sinde (the), our attack on, 199; internal arrangements of, 215; their character and government, 217; their love of sporting, 218; their foreign policy, 219; of Hyderabad, *ib.*; first intercourse of the English government with, 220; treaty allowing a passage through Sinde, 222; British interference between Runjeet Sing and, 223; demands of the British government on, 226; their submission to the Shah of Persia, 227; British negotiations with, 232; their fickle conduct, 233; approach of hostilities, 236; conduct of Meer Roostum, 237; our treaty with, 238; their tribute to Shah Shoojah, 239; second treaty, 242; negotiations for commuting tribute for territory, 244; their intrigues, 246; instructions to Sir C. Napier respecting, 248; demands of the Governor-General presented to, 250; Major Outram's conference at Hyderabad with, 251; dispute about Meer Roostum's affairs, 252; battle of Meeanee, 253; remarks on their conduct, 254; the case of Sobdar Khan, 259.
- America, discovery of the north-west coast of, 566; Russian discoveries in, 569; her claims on the Oregon

- territory, 573; European settlements in, 581.
- Amsterdam, imports of coffee into, 442.
- Anglo-Catholicism, 1; authority and forms of the high church, 3; Dr. Croly's 'Index to the Tracts for the Times,' 5; Dr. Pusey's Sermon on the Eucharist, 5; on reason and authority in belief, 6, 10, 16; right of private judgement, 9; spirit of Romanism, 11; claim to human infallibility, 13; dissemination of Scripture, 15; Catholic views of faith, 17; on forms, creeds and rites in the Church, 18; principles of the Reformation, 20—29; inconsistent views of church authority, 22; Mr. Philipps's reply to Mr. Newman, 26; claims of the Anglicists, 27; tradition upheld by them, 28; inconsistency of, 24, 26, 28; "Via Media" views of the Bible and the Church, 539; claims implicit submission of conscience, 540; Bishop of London's Sermons on the Church, 542; apostolic succession, 543; reserve in religious teaching, 544; Mr. Newman's advocacy of "pious frauds," 547; its doctrines opposed to real belief, 550; Anglo-Catholics and German neologists compared, 551; ascribes miraculous powers to the Church, 552; extracts from Mr. Newman's writings on ecclesiastical miracles, 554; views of belief in revelation, 556; fatal consequences of Anglo-Catholic doctrines, 557; reserve and esotericism in, 559.
- Anglo-Normans, their arrival in Ireland, 640.
- Antwerp, coffee imported into, 442.
- Apostolic succession, on the, 543, 544.
- Arabs, their conquest of Sindh, 204; singular fate of the conqueror, 205.
- Arlington, Lord, supports the claims of Spain and Holland against Louis XIV., 498; his influence, 503; accession to the French party and letter to the Duchess of Orleans, 506.
- Arnold (Dr.), his character and influence, 363; his career and writings, 365; his 'Lectures on Modern History,' 367, 372; extract from his Sermons, 368; his views of history, 369; on the history of the English Church, 375; his sketch of Queen Elizabeth, 376; on the Toleration Act, 383, 385; on the religious sanction, 386; on the 'moral theory' of a state, 388; reply to Macaulay's theory of society, 389; on the conciliation of dissent, 394.
- Arrest, on mesne process, abolition of, 129; on final process, 147.
- Art, in poetry, wherein it lies, 356; preservation of works of, 398; materialist views of the fine arts, 594.
- Arthur, Sir G., his report on the conduct of the Ameers, 246.
- Astoria, settlement on the Columbia river, 573, 575.
- Achterarder case, in the Scotch Kirk, 183.
- Auckland, Lord (Governor-General), his difficulties with regard to Sindh, 230; succeeded by Lord Ellenborough, 245.
- Auersberg, Prince, his negotiations with Austria for Louis XIV., 492; quarrels with Gremoville, 511.
- Austria, supports the pretensions of Milosh in Serbia, 315; her conduct in the Serbian question, 319; Slaavian nationality in the dominions of, 320; yields to Russian representations about Serbia, 321; production of corn in, 427; consumption of meat in, 429; beer brewed in, 432; vineyards of, 435; fruits imported into, 436; beet-root sugar made in, 440; her imports of tea, 446; tobacco grown in, 447; cotton-wool imported into, 450; linen trade of, 453; woollen trade of, 459; her silk trade, 461; production of iron in, 465; her duties on manufactured iron, 466; present supply and estimated demand of various articles in, 468, 469; French intrigues in the court of Leopold I., 486, 490; her treaty with France (1668) and partition of the dominions of Spain, 493.
- Authority and reason, their exercise in religious belief, 6, 10, 16; con-



tradictory views of church authority, 22.

## B.

- Baden, consumption of meat in, 428.  
 Balzac (M.), his style of writing, 332.  
 Bankruptcy, early laws respecting, 121; commissioners of, 124; court of bankruptcy established, 125; official assignees, 126; persons exempt from the bankrupt laws, 127; distinction of the bankrupt and insolvent laws, 131; remarks of the commissioners of inquiry on, 129, 131, 138; proceedings under the present law, 133; insolvent debtors' court, 134; suggested improvements in the law, 136; proposed court of commerce, 139; Mr. Sewell's evidence, 140; Mr. Marshall's evidence, 141; Mr. Lawrance's evidence, 142; Mr. Sweet's and Mr. Kirkman's evidence, 143; Mr. Lavie's evidence, 144; report of the common-law commissioners (1832), 147; certificates of, 153, 161; Mr. Basil Montague's evidence on, 155; case of Lord Huntingtower, 157; Alderman Farebrother's evidence on liability of debtors, 158; law of bankruptcy in Scotland and France, 159; in Holland and the United States, 160; recent statutes in England, 162; alterations of the bankruptcy amendment act (1842), 164; certificates of, 161, 168; commissioners of the court of, 170; distinction of trader and non-trader in insolvency, 137, 157.  
 Barante (M. de), his views on historical science, 104.  
 Bateson, his musical works, 407.  
 Bavaria, consumption of meat in, 428; the beer-trade of, 432.  
 Beaumont (Lord), his speech in parliament on Serbian affairs, 318.  
 Beer, consumption of, in England, 429; the beer-tax, 430; quantity brewed in Prussia and Bavaria, 432; actual supply and estimated consumption of, in different countries, 468, 469.  
 Beet-root, sugar produced from, 440.  
 Belgium, state of farming in, 53; rent of land in, 67; cultivation of land in, 68; building land in, 69; consumption of meat in, 429; beer consumed in, 431; quantity of spirits produced in, 434; imports and exports of wine in, 436; imports of wine into, 439; beet-root sugar in, 440; imports of cotton goods into, 452; flax grown in, 454; exports of linens from, 457; silk manufactures of, 464; supply and estimated demand of various articles in, 468, 469; account of the pauper colonies of Wortel in, 591.  
 Belgrade, surprised by the Janissaries, 300; taken from the Turks by Cerny George, 302; assembly at, to elect Prince Alexander, 314.  
 Belief, uncompulsory nature of, 282.  
 Bellings (Sir R.), negotiates with Colbert a treaty between Louis XIV. and Charles II., 507, 508.  
 Belooches, the race of, in Sind, 208; their native country, 213; their character, *ib.*  
 Bengal, rice produced in, 437.  
 Bennet, his compositions, 407.  
 Beverning (M. de), sent minister to Madrid by De Witt, 519.  
 Bible, on the free use of the, 9; its authority and that of the Church incompatible, 538; study of the, 546.  
 Bog-Commissioners in Ireland, evidence before the, 631.  
 Boileau, character of his style, 345; contrasted with Perrault, 349; illustration from, 356.  
 Bolingbroke (Lord), his remarks on the conduct of France to Spain, 485.  
 Bordeaux, coffee imported into, 442.  
 Bossuet, his views of history, 78.  
 Boutinieff (M.), his negotiations with the Porte relative to Serbia, 316.  
 Brahminism, supersedes Buddhism in Sind, 203.  
 Bramhall (Archbishop), quoted by the Anglo-Catholics, 539, 543, 544.  
 Breda, the peace of, 480.  
 Bremen, imports of sugar into, 439; imports of coffee into, 442.  
 Briffaut (Eugène), writings of, 338.  
 Brougham (Lord), his act 'to establish a court of bankruptcy,' 125; his bill to afford protection against

- imprisonment for debt, 163, 172, 658; his judgement in the Auchterarder case, 179, 183.
- Bucharest, terms of the treaty of, 303.
- Buckingham (Duke of), his negotiations with Louis XIV., 498, 505, 506; his ostentatious servility, 509.
- Buddhism, origin of, 202, 203.
- Building-land, its value in Belgium, 69.
- Bulgaria, her wars with the emperors of Constantinople, 296; insurrection in (1841), 313.
- Burgundy, history of the dukes of, 104.
- Burke (Mr.), on the French noblesse and clergy, 387; on European settlements in America, 581.
- Burnes (Dr.), his treatment by the Ameers of Sind, 219.
- Burnes (Sir A.), his expedition to explore the Indus, 221; his treaty with the Ameers, 237.
- Byrd (William), his 'Psalmes, Sonnets,' etc., 402; his second set of part-songs, 404.
- C.
- California mountains, the, 562.
- Caloras, the tribe of, in Sind, 207; their power suppressed, 212.
- Canning (Sir S.), his remonstrance relative to Serbia, 317.
- Carlyle (Thomas), historical method of, 111; his recent works, 262; on the state of society, 263; his merits as a writer, 265; his spiritualism, 266; on the social doctrines prevalent, 268; on rights and duty, 269; artistic qualities of, 270; his views on collective intelligence, 272; his antipathy to philosophy, 276; antagonism in his character, 284; his maxim of duty, 289; estimate of his position, 292; his 'Past and Present,' 293; his comparison of Hume and Johnson, 365.
- Carpets, French exports of, to various countries, 459.
- Castel-Rodrigo (the Marquis de), his memorial to Louis XIV., 486.
- Catches, first collection of, 407.
- Cathedrals, the services and anthems of our, 398.
- Catholicism, adoption of its doctrines by the Anglicists, 5; its claim to dominion over conscience, 10; on the terms Romanism, Popery, etc., 11; the catholic church, 12; involves the claim to infallibility, 13, 534; easy nature of its faith, 14; rule of faith and doctrine, 15; its plea of antiquity, 17; forms, creeds and rites of, 18; inconsistency of Anglo-Catholic tenets, 24, 26, 28; doctrine of genuine catholicism, 25; consistent doctrines of the Roman catholic church, 535; its estimate of Bible authority, 538.
- Catholics, on their admission to civil privileges, 620.
- Caubool and Candahar, insecurity of British possession of, 119.
- Cerny (George), insurrection of the Serbians under, 301; his victories over the Turks, 302; his supremacy in Serbia, 304; his flight, 305; his son Alexander elected prince of Serbia, 314.
- Chalmers (Dr.), on the position of the Scotch church, 190.
- Charles I., music in the reign of, 412, 413.
- Charles II., proposal of an alliance made by Louis XIV. to, 497; his treacherous conduct, 498; letters to his sister, 499, 504, 505; his taste for astrology, 505; converted to catholicism, 507; his treaty with France, 508; concludes peace with Holland, 524.
- Charles (Philarete), character of his writings, 331; on French poetry, 342.
- Chaudes-Aigues (M.), his articles in the French journals, 333.
- Church (the), religious movement in the English, 1; principle of church authority, 3; opposing principles of reason and authority, 7; right of private judgement, 9, 537; the church and the Bible, 9; gradual assumption of church authority, 10; accommodates herself to all dispositions, 14; traditional rule of faith, 15; infallibility, 16; scholastic theology of the Catholic Church, 17; protestantism renounced by Anglo-Catholics, 21; schism of the East and West, 23; inconsistency of An-



- glo-Catholic doctrines, 24, 26, 28 ; Dr. Arnold on the history of the English, 374 ; its relation to the State, 378 ; schisms in, 379 ; its state under Elizabeth, 380 ; the English Church in the 18th century, 385 ; on church government, 391 ; on concession to Dissenters, 393 ; tenets of the church of England, 532 ; consistency in the Roman catholic, 534 ; general consent of, 535 ; the councils of, 537 ; authority of the Bible and pretensions of the Church, 538 ; 'Via Media' doctrines in, 539, 542 ; on a divine authority vested in, 540 ; Bishop of London's 'Sermons on the Church,' 542 ; apostolic succession and episcopacy in, 544 ; on the miraculous powers ascribed to, 552 ; how supported in Germany, 609.
- Civilization, dependence of happiness on, 80 ; real value of, 81 ; on the progress of, 99.
- Classics, critical appreciation of the, 351 ; their want of emotional effect, 351.
- Classicists, French school of, 348.
- Cloth, French exports to various countries of, 459.
- Coffee, quantities imported into various countries, 442 ; London and Dutch prices of, 443 ; effect of duty on consumption of, 444 ; French imports, *ib.* ; increased English consumption, 445 ; supply and estimated consumption in different countries, 469.
- Colbert de Croissy (M.), despatch of Louis XIV. to, 504 ; his negotiations with Charles II. respecting his religious conversion, 507.
- Columbia river, the, 561 ; American claim to the discovery of, 571 ; discovered by the Spaniards, 572 ; British navigation of, 580.
- Commerce, early laws of, 120 ; mischievous secrecy in negotiations of, 424.
- Commercial justice, proposed court of, 139.
- Commissioners of Inquiry, into Bankruptcy and Insolvency, (1840), 119 ; their remarks on a test of insolvency, 129 ; on the bankrupt and insolvent laws, 131 ; their opinions on various points of the law of debtor and creditor, 138, 139 ; evidence of witnesses examined by the, 140—146, 155, 158 ; on arrest on final process, 147 ; on the losses incurred by imprisonment for debt, 149 ; members of the commission, 153.
- Commissioners of Poor Inquiry in Ireland, evidence given before, 629, 630, 631 ; Bog Commission, 631 ; commission on the laws of landlord and tenant, 636.
- Convocation, on the rights of, 378.
- Corn, cost of its production in Germany, 45 ; rotation of crops, 48, 50, 52 ; comparative profits of corn and dairy produce, 62 ; consumption on the continent and in England, 426, 427.
- Cotton, consumption in England and Germany, 448 ; Austrian imports of, 450 ; exports of piece-goods from England, 451 ; French exports of manufactures, 452 ; Belgium imports and exports of cotton goods, 452.
- Councils of the church, authority of the early, 537.
- Creditors, loss incurred by them by imprisoning debtors, 148.
- Cremona, produce of silk in the district of, 462.
- Criticism, its present state in France, 327 ; Gustave Planche, 328 ; Désiré Nisard, 329 ; Philarete Chasles, 331 ; Sainte Beuve, *ib.* ; Chaudesaigues, 333 ; Jules Janin, 334 ; Rolle, 336 ; T. Gautier, 337 ; M. Forgues and Louis Reybaud, 337 ; MM. Guinot and Briffaut, 338 ; French, German and Italian criticism, 339 ; French and English compared, 345 ; Boileau and Perrault contrasted, 348 ; on a critical appreciation of the classics, 351 ; French tragedy, 357 ; Racine and Victor Hugo, 360.
- Croly (Rev. Dr.), his 'Index to the Tracts for the Times,' 5.
- Cromwell, state of music under the Protectorate, 413 ; his conduct to Ireland, 648.
- Cultivation of land, all changes registered in Germany, 426 ; state of in Ireland, 623.

Czoernig, his statements of the silk produce of Cremona, 462.

## D.

Dairy produce, profits of, 62; dairy farms in Belgium, 67.

Dalrymple (Sir J.), his selections from the French archives, 502, 508.

Dante, extract from his 'De Monarchia,' 278.

Debtor and creditor, state of the law of, 119; different classes of creditors, 134; proposed reforms in the law of, 136; imprisonment for debt, 137; liability of debtors, 168; offence of fraud upon creditors, 173.

Dieterici, his table of the consumption of corn in Prussia, 426; his table of consumption of meat in Germany, 428; on the consumption of spirits in Prussia, 433, 434; on the vineyards of Germany, 435; table of the imports of sugar in different countries, 439; on coffee imports into Germany, 444; on the consumption of tobacco and flax in Germany, 447, 453; on the German trade in flax, 453; on the woollen produce of Prussia, 458; on the iron trade in Prussia, 464.

Dissenters, various classes of, under Elizabeth and James I., 382; on concessions to, 393.

Divorce, on extending the facility of, 94.

Dowland (John), his musical publications, 406.

Doyle (Dr.), his evidence on the state of Ireland, 620.

Drake (Sir Francis), his voyage of discovery, 566.

Duelling, remarks on, 88.

## E.

Education, remarks on, 95; Mr. Laing's views of, 594; materialist value of, 595; provisions for in Germany, 609.

Edward I., petition of the Irish for English laws addressed to, 643; statutes relating to Ireland under Edward III., 644.

Egypt, rice produced in, 437.

Eichhorn (M.), his remarks on peasants holding land in Germany, 604.

Elizabeth (Queen), Dr. Arnold's sketch of, 376; state of religion in her reign, 381; music of the age of, 398; her encouragement of church music, 402; the 'Triumphs of Oriana,' in honour of, 410; laws relating to land in the reign of, 628.

Ellenborough (Lord), succeeds Lord Auckland in India, 245; his stated intentions respecting Sindé, 248; his instructions to Sir C. Napier respecting the Ameers, 248; his decision on the charges against the Ameers, 249.

Embrun (the archbishop of), his embassy to Spain from Louis XIV., 477; his despatches on the death of Philip IV., 482; his departure from Madrid, 487.

Emigration, its effect on home production, 35.

England, state of in the eighteenth century, 383; state of society in the last century in, 425; consumption of corn and meat in, 427, 428; malt consumed in, 429; wine consumed in, 435; fruits imported into, 436; rice consumed in, 437; consumption of sugar in, 438; her trade in flax and linen, 453; produce of wool in, 458; French cloth and carpets exported to, 459; her exports and imports of silk, 460, 461; silk manufactures in, 463; production of iron in, 464; supply and estimated consumption of various articles in, 468, 469; her war with the Dutch, (1665), 480; Louis XIV. proposes an alliance with, 498; concludes the Triple Alliance, 499; negotiations with France, 503—509; conversion of Charles II., and treaty with France, 508; declares war with Holland, (1672), 520; peace concluded in, (1674), 524; treaty of Nimeguen, 525; her intercourse with Ireland, 617; law of landlord and tenant in, 625; her policy towards Ireland, 637.

Episcopacy, on the antiquity of, 544.

Escorial, Convention of the, (1790).



- 567, 577; effects of the treaty, 569; its permanent force, 578; terms of, 579.  
 Este (Michael), his compositions, 407.  
 Estrades (Count d'), the negotiations of, 480.  
 Ethology, on the study of, 86; its application to social questions, 96, 98.  
 Eucharist, Dr. Pusey's sermon on the, 5.  
 Excise duties, their effect on the consumption of malt, 430; effect of their reduction on spirits, 432.

## F.

- Faith, its influence on action, 87.  
 Farebrother (Alderman), his evidence on liability of debtors, 158.  
 Farming, expenses of, examined, 46; rotation of crops in Mecklenburgh, 50; Belgian rotation of crops, 52; grazing cattle in Germany, 54; cost increased by distance, 56; fertility of soils, 59; dairy produce, 62.  
 Feudalism, character of, 89; remains of in Germany, 599, 600.  
 Flanders, madrigal writers of, 415; designs of Louis XIV. to possess, 471; emancipated from Spanish rule, 473; claim of Louis XIV. to Spanish Netherlands, 479; policy of Richelieu and Mazarin respecting, *ib.*; Turenne's campaign in, 488; allotted to France by the treaty of Louis XIV. and Leopold, 493.  
 Flax, quantity consumed in Germany, 453.  
 Florida treaty, the, 573, 577.  
 Ford (Thomas), his compositions, 407.  
 Forgues (M.), character of his criticisms, 337.  
 France, state of historical science in, 72; her capacity for the study of history, 83; literary men in, 105; law of bankruptcy in, 159; state of criticism in, 328; Parisian 'Revue,' 333; journalists of, 338; the French language, 339; the classicists and romanticists, 348; distinct character of French poetry, 355; French tragedy, 357; consumption of corn in, 427; consumption of meat in, 428; vineyards of, 435; consumption of wine in, 436; imports of rice into, 437; imports of sugar into, 439, 444; beet-root sugar made in, 440; her imports of coffee, 444; duties on tea in, 445; her imports of tea, 446; tobacco imported into, 448; exports of her cotton manufactures, 452; linen trade of, 454; imports of wool into, 459; value of her fine fabrics, 460; silk manufactures in, 463; her trade in iron, 467; supply and probable demand of various articles in, 468, 469; her views relative to the succession of Spain under Louis XIV., 471; treaty with the United Provinces, (1662), 480; league of the Rhine, 482; her treaties (1664) with the German courts, 483; internal resources, army and navy of (1666), 484; nullity of the renunciation of Louis XIV. declared, *ib.*; Lord Bolingbroke's remarks on her conduct to Spain, 485; her treaty with Austria (1668), and distribution of the Spanish dominions, 493; proposed treaty with England, 498; conduct of the Duchess of Orleans, 502; overtures of England and Holland to, 503; accession of Lord Arlington to the French cause, 506; negotiations with Charles II. respecting his conversion, 507; terms of the treaty with England, (1670), 508; death of Lionne, 516; declares war with Holland, (1672), 520; opposed by the Prince of Orange, 522; failure of her designs, 524; treaty of Nimeguen, 525.  
 Fredericks-oort, Dutch pauper colonies of, 590, 593.  
 Fruits, imported into Germany and England, 436.

## G.

- Galliard (M.), on the composers of Elizabeth's age, 411.  
 Galway, unreclaimed land in, 631.  
 Garden-produce, value of, affecting rent, 64.

- Gautier (Théophile), character of his writings, 337.
- Genius, self-consciousness of, 279.
- Genoa, imports of coffee into, 443.
- Germany, on farming in, 46; grazing cattle in, 54, 62; state of historical science in, 83; retrospect of the literature of, (1841-1842), xxvi; criticism in, 339, 345; consumption of corn in parts of, 426; consumption of meat in, 428; extent of vineyards in, 434; fruits imported into, 436; imports of rice into, 437; beet-root sugar made in, 440; imports of coffee into, 444; consumption of tea in, 446; tobacco grown and consumed in, 447; cotton wool consumed in, 449; flax trade of, 453; iron produced in, 464; supply and estimated demand for various articles in, 468, 469; alliances of Louis XIV. with the courts of, 483; remains of feudalism in, 599; first levy of the present land-tax in, 600; fixity of tenure, *ib.*; effect of war on the industrial power of, 602; Von Stein's and Hardenberg's legislation for the landed tenure of the peasantry in, 604; her state compared to Ireland, 606; government respecting the church and education in, 609.
- Ghent, the treaty of, 570, 571, 662.
- Gibbons (Orlando), his station as a composer, 408; his works, *ib.*
- Gladstone (Mr.), on his 'Church and State,' 388.
- Glee, origin of the, 413.
- Goethe, his maxim of duty, 289.
- Graham (Sir James), on the Scotch kirk question, 182.
- Grattan (Mr.), on the legislative independence of Ireland, 655.
- Grazing cattle in Germany, 54, 61.
- Great Britain, consumption of corn, meat and malt in, 427, 428, 429; imports of tallow into, 429; wine consumed in, 435; fruits imported into, 436; consumption of rice and sugar in, 437, 438; imports of sugar into, 439; imports of coffee into, 443; consumption of tea in, 444; tobacco consumed in, 447; export of cotton manufactures from, 451; linen trade of, 453; produce of wool in, 458; her dispute with Spain respecting the north-west coast of America, 566; her treaty with Spain, (1790), 567; her claim to settlement in the Oregon territory, 569; her treaty with the U. States, (1818), 570; reply of British Commissioners to the claims of the U. States to Oregon, 575, 579, 581; proposals to the U. States in 1824 and 1826, 583.
- Greeks, their early enmity to the Serbians, 296.
- Greenhow (Mr.), his memoir on the western portion of N. America, 564; on the Convention of the Escurial, 578; his remarks on the treaty of Ghent, 662.
- Gremonville (M. de), ambassador at Vienna, 486; his account of Turanne's campaign in Flanders, 488; his skill and influence at the Austrian court, 489; his negotiations for a treaty with Austria, 492; his diplomatic intrigues at Vienna, 510, 512; recalled from Vienna, 523.
- Guinot (Eugène), writings of, 338.
- Guizot (M.), his character as an historian, 100; his historic works, 103.
- Gypsies, probably derived their origin from the Jutts of India, 203.

## H.

- Hamburg, imports of sugar into, 439; imports of coffee into, 442.
- Hamilton (John), his 'Remonstrance to the legislature on the Scottish church question,' 177; on the act of 1712, relative to the Scottish church, 181.
- Hampton Court, the conferences at, 382.
- Handel, his chamber duets, 414.
- Hardenberg (Prince), his measures to introduce fixity of tenure in Prussia, 600, 604.
- Havre, coffee imported into, 442.
- Heceta (Capt.), discovers the Columbia river, 572.
- Hegel, his 'Philosophy of History,' 83.
- Henry II., his landing and reception in Ireland, 641.
- Henry IV. and Henry VIII., laws relating to land in the reigns of, 626.



- Herat, besieged by the Shah of Persia, 227.
- Herder, on the philosophy of history, 79; his views on civilization, 81.
- Hesse, consumption of meat in, 428.
- Heuschling (M.), on the consumption of beer and spirits in Belgium, 431, 434.
- Hindoos, race of the, 202; their short dynasty in Sindh, 203; their battle with the Arabs, and final defeat, 204; in Sindh in the 17th century, 208.
- Historical science, in France, state of, 72; in Germany, 83; elements of philosophy and poetry in, 107.
- History, regarded as a social science, 73; Thierry's view of, 75; Vico's and Bossuet's opinions on, 78; Herder's work on a philosophy of, 79; Niebuhr's and Hegel's writings, 83; general laws relating to, 85; explained by ethology, 87; M. Guizot's historical works, 103; Barante's writings, 104; Michelet, 105; philosophy and poetry in, 107; Thierry, 113; Mignet, 117; Thiers, *ib.*; Dr. Arnold's views of, 369; partiality of historians, 370; English historians, 374.
- Hobbes, on church government, 391.
- Holland, law of bankruptcy in, 160; imports of sugar into, 439; Dutch prices of coffee, 443; consumption of tea in, 446; exports of silk from, 463; her war with England (1667), 480; her position with respect to the designs of Louis XIV. on Flanders, 496; appealed to for aid by Spain, 497; the Triple Alliance, 499; desertion of England and Sweden, 510; aggressive designs of France upon, 518; treaty of alliance between Spain and, 519; England and France declare war with, 520; concessions offered to France by, 521; Prince of Orange resists Louis, 522; death of the De Witts, *ib.*; her treaty with Austria and Spain, 523; treaty of Nymeguen, 525; Mr. Laing's account of the state of, 587; her former condition, 588; pauper colonies in, 589, 593; channels of industry in, 597.
- Homer, Perrault's criticism of, 350.
- Hooker, his theory of church and state, 390.
- Hudson's Bay Company, their settlements in the Oregon territory, 564, 568, 570, 584.
- Hume, comparison of him with Johnson, 366; his history of England, 371, 373.
- Hungary, tobacco grown in, 447; wool produced in, 459; iron mines in, 465.
- Hydrabad, the Ameers of, 219; march of British troops upon, 237; charges against the chiefs of, 249; assembly of Ameers at, 251.

## I.

- Immys (John), founds the Madrigal Society, 415.
- Import and export duties, on wine, 435; on coffee, 444; on tea in various countries, 445; on tobacco, 447; on yarn, 449; on linens, 457; on iron, 465, 466.
- Imprisonment for debt, 137; evidence before the commissioners of inquiry on, 146; pecuniary sacrifices occasioned by, 148; on the inefficiency of, 150; Lord Brougham's bill to afford protection against, 163, 172, 660.
- India, its early invasion by the Jutts, 201; Mahometism in, 202.
- Indus (the), expedition to explore, 221; tolls on vessels upon, 222, 244; navigation stopped by the Ameers, 249; advantages of the command of its navigation, 260; its value in a military view to the British, 261.
- Infallibility, ecclesiastical, plenary nature of, 16; involved in the Anglo-Catholic doctrines, 534, 541.
- Inquisition, the, 13.
- Insolvent act, 133; insolvent debtors' court, 134, 139; distinction between the bankrupt and insolvent laws, 131; act for the relief of insolvent debtors, 163, 172; distinction of traders and non-traders in insolvency, 137, 157.
- Ireland, decreased consumption of spirits in, 433; misapplication of labour in, 605; landlords and

tenants in, 606; on government support of religion and education in, 610; mischievous effects of agitation upon, 613; her productive resources, 614; improvement in her condition, 617; a repeal of the Union impracticable, 619; Dr. Doyle's evidence on the admission of Catholics to civil rights, 620; effects of the subdivision of land in, 621; system of leases in, 622; causes of bad cultivation in, 623; evidence on pauper voters in, 624; law of landlord and tenant in, 625; disadvantages of the tenant in, 629; Dr. M'Hale's evidence, 630; waste lands in, 631; reclamation of bogs in, 632; policy of England toward, 637; character of the people of, 638; early state of literature and science in, 639; her political condition previous to Henry II., 640; the 'English Pale,' 642; petitions Edward I. for English laws, 643; statutes of Edward III. relating to, 644; visit of Richard II. to, 645; conduct of Cromwell towards, 648; history of her union with England, 650; Poynings' law, 651; opinions on the legislative independence of, 655; effects of repeal on, 656.

Iron, quantity produced in England and Prussia, 464; Austrian produce of, 465; Austrian duties on, 466; French trade in, 467.

Italy, early commerce of, 120; state of criticism in, 339; madrigal writers of, 402, 413; produce of rice in, 438; imports of sugar into, 439; French cloth exported to, 459; exports of silk from, 462.

## J.

Jacobs (Mr.), his Report to the House of Peers, 41, 45.

James I., his religious bigotry and persecutions, 382; decline of music in his reign, 412.

Janin (Jules), character of his writings, 333.

Janissaries (the), banished from Serbia, 299; consequences of their recall, 300; war of the Serbians against, 301.

Java, quantity of rice grown in, 437; production of coffee and sugar in, 443.

Jelf (Rev. R. W.), his sermon 'The Via Media,' 528; on religious teaching, 541.

Johnson (Dr.), compared with Hume, 366.

Jones (Prof.), his explanation of the nature of rent, 36; his essay on the distribution of wealth, 39; on outlay of capital in agriculture, 41.

Jones (Col.), on the theory of rent, 70.

'Journal de Débats,' writers in the, 331, 333.

Jutts (the), invasion of India by, 201; distinctive traits of, 202; progenitors of the gypsies of Europe, 203.

## K.

Karachee, in Sind, taken by the British, 239, 241, 256.

Khyrpore, the Ameers of, 237; conduct of the chiefs of, 249; state of affairs at, 250.

Kirkman (Mr.), his evidence on the bankrupt laws, 143.

Kirk of Scotland (the), present state of, 175; introduction of the reformation into Scotland, 177; election of ministers in, 180; act of the Assembly (1834), 183; the Auchterarder case, *ib.*; secession from, 185; Lord Aberdeen's act on the veto of election of ministers, 186; rights of patrons in, 188; power of the state over, 190; Dr. Chalmers' remarks on, 191; Mr. Rutherford's objections to Lord Aberdeen's act respecting, 187, 194—197.

Kossova, battle between the Serbians and Turks on the plain of, 297.

## L.

Labour, on the economical value of, 592; of the peasantry in Prussia, 599; misapplied in Ireland, 605.

Laing (Samuel), his 'Notes of a Tra-



- veller,' 586; on the state of Holland, 588; his account of the Dutch and Belgian pauper colonies, 590, 593; his erroneous notions of trade, 593; his views of education and the arts, 594; on industry in Holland, 597; on the German peasantry, 599; on the influence of the Prussian system of government on the national character, 612.
- Land, Mr. Ricardo's theory of the value of, 39; on farming land in Germany, 50; effects of taxation upon, 57; fertility of soils, 59; value of garden land, 65; rents in Belgium, 67; cultivation of land in Belgium, 68; building-land in Belgium, 69; reclamation of waste, 591; landed tenures in Prussia, 599; fixity of tenure, 600; landlords and tenants in Ireland, 606; effects of its subdivision in Ireland, 621; rent of increases in proportion to the smallness of the holding, 622; landlords and tenants in Ireland, 623; laws relating to, under Henry IV. and Henry VIII., 626; statutes of Philip & Mary and Elizabeth, relating to, 628; unreclaimed land in Ireland, 631; on the rights of property in, 633.
- Landlord and tenant, on legislative interference between, 625; the law under Henry IV. and Henry VIII., 626; enactments of Philip & Mary and Elizabeth, 628.
- Land-tax, mode of levying it on the continent, 426; in Prussia, 600.
- Language, of France, 339; art in poetry lies in the choice of, 356.
- Lavie (Mr.), his evidence on the bankrupt laws, 144.
- Lawes (Henry), his compositions, 412.
- Lawrance (Mr.), his evidence on the bankrupt laws, 142.
- League of the Rhine, (1658), 482.
- Leghorn, imports of coffee into, 443.
- Leopold I. (of Austria), marries the infanta of Spain, 481; French intrigues at the court of, 486; heir presumptive to the Spanish monarchy, 490; his treaty with Louis XIV., 493; proposes to France an alliance of the Catholic powers, 510.
- Lille, besieged by Turenne, 488.
- Linen, trade of Germany and England in, 453; trade of Austria, Belgium, and France in, 454.
- Lingard (Dr.), his history of England, 374.
- Lionne (M. de), his letter to Gremonville on the treaty of France with Austria, 496; his character as a minister, 501; his death, 516.
- Lobkowitz (Prince), negotiates with Austria for Louis XIV., 492.
- Locke, extract from his 'Treatise on Civil Government,' 632.
- Lombardy, exports of silk from, 462.
- Louis XIV., M. Mignet's work on the diplomacy of, 470; his ambitious projects, 471; commencement of his reign, 474; his marriage and renunciation of his wife to the Spanish succession, 477; his alliance with the German courts (1664), 483; letter from the Marquis de Castel-Rodrigo to, 486; his treaty with Austria and share of the Spanish dominions, 493; proposes an alliance with Charles II., 497; seizes Franche Comté, 500; overtures of De Witt and Charles II. to, 503; his despatch to his English ambassador, 504; sends Pregnani to England, 505; his bribes to Lord Arlington, 507; his despatch on the Triple Alliance of the Catholic powers proposed by Leopold, 510; his offer of peace or war to the Emperor, 512; his aggressive designs on Holland, 518; defeat of his projects, 523; declares war with Holland, 520; refuses the terms offered by the Dutch, 522.
- Low Countries,—see FLANDERS.
- Lubica (Princess), her attempts to restore Milosh as prince of Serbia, 311, 313, 315.
- 'Lucrèce,' a drama by M. Ponsard, 358.
- M.
- Macaulay (Mr.), his review of Mr. Gladstone's 'Church and State,' 388.

- M'Hale (Dr.), his evidence to the Commissioners of Poor Inquiry in Ireland, 630.
- Machinery, its value to national industry and prosperity, 596, 598.
- Mackintosh (Sir James), his remarks on Irish history, 639.
- Madrigals, on the preservation of, 399; adapted for musical instruction, 400; scarce publications of, 401; history of, 402; madrigal singing in 1588, 403; Morley's definition of, 405; decline of madrigal writing, 409; number of English compositions extant, 411; revived attention to, 415; the Madrigal Society, 416.
- Magyars (the), expelled the Slaavs from Hungary, 295.
- Mahometanism, limits of its spread in India, 202.
- Malt, the consumption of in England, 429; the malt duty, 430; quantity brewed in Prussia, 431.
- Manilla, the rice grown in, 437.
- Manufactures, their benefit to agriculture, 61, 65, 71; beneficial effects of increased mechanical aid in, 596; on their introduction into Ireland, 618.
- Marriage, on the ties of, 95.
- Marseilles, imports of coffee into, 443.
- Marshall (Mr.), his evidence on the bankrupt laws, 141.
- Martin (Montgomery), his work on Ireland, 616; on the policy of England toward Ireland, 637; on the early state of Ireland, 641; his remarks on Poynings' Act, 649.
- Mary (Queen), state of religion in her reign, 380.
- Mayo, unreclaimed land in the county of, 631.
- Mazarin, his project to annex the Low Countries to France, 479.
- M'Culloch (Mr.), on money rents, 32; on the woollen produce of England and Germany, 458.
- Meares (Lieut.), his exploration of the north-west coast of America, 572, 574.
- Meat, consumption of in England, France, and Germany, 428.
- Mecklenburgh, cost of transport in, 43; farming in, 46, 48, 50; productiveness of the soil in, 60.
- Mecanee, battle of, 253.
- Meer Roostum, his conduct to the British, 237; takes refuge with Ali Moorad, 250; his flight to Hydrabad, *ib.*; dispute respecting his affairs, 252.
- Michel, Prince of Serbia, 310; his subservience to Russia, 313; insurrection against him, 314.
- Michelet (M.), character of his historical writings, 105; his view of history, 108.
- Michiels (M.), his 'Histoire des Idées Littéraires,' etc., 347.
- Mignet (M.), his history of the French Revolution, 117; his work on the diplomacy of Louis XIV., 470; merits of his work, 472.
- Mill (John), on views of mental science, 86; on education, 95; on social progress, 99.
- Milosh Obrenovitch, Prince of Serbia, 306—309.
- Miracles, in the Church, Anglo-Catholic faith in, 552; extracts from Mr. Newman's writings on ecclesiastical miracles, 554.
- Money-rents, Mr. Ricardo's theory of, 31; Mr. M'Culloch's opinion on, 32; Dr. Adam Smith's theory of, 33.
- Monroe (President), his declaration on European settlements in America, 582.
- Montague (Basil), his evidence on certificates of bankruptcy, 155.
- Monte Negro, independence of, 297.
- Moore (Thomas), extracts from his 'History of Ireland,' 644—646.
- Morality, promoted by increase of riches, 421.
- Morley (Thomas), his musical publications, 404—406.
- Münster, the treaty of, 479.
- Musical Antiquarian Society, the formation of the, 399; works printed by the, 400.
- Music, on the preservation of classical, 398; the Musical Antiquarian Society, 399; extension of musical instruction, 400; history of the madrigal, 401; Italian composers, 402; collections of madrigals by Byrd, Yonge, and Watson, 403; Morley's publications, 404; Villanelle and Balletti, 405; the works



of Weelkes, Dowland, and Wilbye, 406; catches, 407; character and works of Orlando Gibbons, 408; decline of musical taste (1613), 409; 'The Triumphs of Oriana,' 410; number of madrigals extant, 411; its state in England under the Stuarts, 412; Italian composers, 413; the Madrigal Society, 415; the vocal concerts, 418.

## N.

Napier (Sir C.), military command in Sindh given to, 248; presents the demands of the government to the Ameers, 250; pursues the Ameers to Hyderabad, 251.  
 Nassau, consumption of meat in, 428.  
 'National,' writers in the, 336, 337, 338.  
 Negotin, taken from the Serbians by the Turks, 305.  
 Newman (Rev. J. H.), subtilties of his writings, 5; his 'Essay on Miracles,' 528; vindication of "pious frauds" by, 547; advocates equal faith in the miracles of Scripture and Church history, 553; extracts from his 'Church of the Fathers' respecting ecclesiastical miracles, 554; on belief in revelation, 556.  
 Niebuhr, his historical labours, 83.  
 Nisard (Désiré), his writings, 329.  
 North-west Company, settlements in North America, by the, 568, 573, 574, 575.  
 'Notes of a Traveller,' by S. Laing, 586.  
 Nusseer Khan, his negotiations with the British, 244; conduct of, 246; his infraction of treaties, 247.  
 Nymeguen, the treaty of, 525.

## O.

Obrenovitj (Milosh), raises an insurrection in Serbia, 306; his negotiations with the Porte, *ib.*; elected Prince of the Serbian people, 307; his berat from the Porte, 308; solicited by Russia, 309; his abdication and election of Prince Michel,

310; subservience of Prince Michel to Russia, 313.

O'Connell (D.), his evidence on pauper voters, 624; on the landlord and tenant commission, 636.

Orange (Prince of), raised to power, and resists Louis XIV. in Holland, 522.

Oregon territory, the question of, 560; boundaries of, 561; its climate and soil, 562; reasons of its value to the United States, 563; on the colonization of, 564; American and English settlements in, *ib.*; Mr. Greenhow's memoirs respecting, 565; Convention of the Escorial respecting, 568; extent of British claims to settlement in, 569; convention between the United States and Great Britain respecting, 570; negotiations of Spain and the United States, *ib.*; on the right of occupation of, 572; settlement of Astoria, 573, 575; statement of American claims to, 574; proposed settlement by arbitration, 583; the notice of the question in the President's message, 662.

Orleans (the Duchess of), letters of Charles II. to, 499, 504, 505; letter of Lord Arlington to, 506; her interview with Charles II., 508.

Outram (Major), succeeds Col. Pottinger at Hyderabad, 243; his report to the Governor-General, 245; his letters to the Government, 246; his conference with the Ameers at Hyderabad, 251; attacked by the Ameers, 253.

Oxford controversy, the, 528—559.

## P.

Pacific, Spanish and English discoveries in the, 566.

Parker (Mr.), his evidence on the law of insolvency, 139; on certificates of bankruptcy, 153.

Pauperism, Mr. Laing's account of the pauper colonies in Holland, 589—593; demoralizing effects of, 622; evidence on pauper voters, 624.

Peasantry, their condition in Ger-

- many, 599; of Ireland, state of the, 629, 636.
- Peel (Sir R.), his defence of the English policy respecting Serbia, 322; on small holdings of land, 625.
- Perrault, contrasted with Boileau, 348; his criticism of the classic writers, 350.
- Persia, its claims on Sindh, 227.
- Petronievitj (M.), appointed counselor to Michel in Serbia, 311; his exile to Constantinople, 312; heads the insurrection against Prince Michel, 315; his exile demanded by Russia, 324; attachment of the Serbians to, 325.
- Philip IV., state of the Spanish monarchy under, 477; his war with Portugal, 481; his death, *ib.*; articles of his will regarding the succession, 482.
- Phillips (Ambrose), his reply to Mr. Newman's letter to Dr. Jelf, 26.
- Philosophy, Mr. Carlyle's views of, 276; true character of, 280.
- Planche (Gustave), his critical writings, 328.
- Poetry, character of French, 340, 355; rules of versification, 344; the real art of the poet, 356.
- Political economy, recent writers on, 420; Mr. Laing's speculations on, 587; on the value of time and labour, 592; trade regarded as productive industry, 593; value of mechanical improvements to national industry, 596; on industrial progress, 603; trade and agriculture, 605.
- Pomponne (the Marquis de) succeeds Lionne as minister to Louis XIV., 517.
- Ponsard (M.), his drama of 'Lucrèce,' 358.
- Porte, the,—see TURKEY.
- Porter (Mr.), his work on 'The Progress of the Nation,' 425; on the consumption of malt in England, 429; on the consumption of wine in England, 435; on the West India produce of sugar, 438; on the coffee imports, 443; on the tobacco duty, 447; his table of the silk trade, 460, 463; on the production of iron, 464.
- Portugal, her war with Spain under Philip IV., 481; peace concluded, 500.
- Postans (Captain), his 'Personal Observations on Sindh,' etc., 198; his description of the Ameers of Sindh, 217.
- Pottinger (Colonel), his instructions relative to Sindh (1836), 223; appointed minister at the court of Sindh, 225; letter of instructions to (1838), 226; his negotiations with the Ameers, 232; his instructions relative to the treaty, 242; succeeded by Major Outram, 243.
- Power (Mr.), his report on the unreclaimed land in Wicklow, 631.
- Poynings' law, 651.
- Presbytery, of the Scotch church, their power in the election of ministers, 186.
- Production, economical views of, 593, 594.
- Protestantism and Popery, attempts to reconcile Catholic doctrines with, 4; real distinction between, 9; its spirit renounced by Anglo-Catholics, 21; real tenets of the Reformers, 23; its state under Mary and Elizabeth, 380.
- Prussia, consumption of corn in, 426; consumption of meat in, 428; beer brewed in, 432; spirits consumed in, 434; vineyards of, 435; tobacco consumed in, 449; linen trade of, 453; produce of wool in, 458; transit of wool through, 459; production of iron in, 464; on landed tenure and the peasantry of, 599; fixity of tenure introduced into, 600; Von Stein's and Hardenberg's legislation respecting landed tenures in, 604; system of government and national character in, 612.
- Purcell, dramatic music of, 398; other compositions of, 413.
- Puritans (the), under Elizabeth, 381.
- Pusey (Dr.), his sermon on 'The Holy Eucharist,' 5.

## R.

Racine, contrasted with modern tragedians, 360.



- Railroads, national importance of, 609.
- Reason, distinguished from authority, 6.
- Reden (Baron Von), his calculations respecting the imports of sugar, 441.
- Reformation (the), principles of, 20—29; condemned by Anglo-Catholics, 21; real tenets of the Reformers, 23; introduced into Scotland by the people, 177; its progress under Elizabeth, 380.
- Religion, influence of speculative belief in, 87; state of in England under Elizabeth, 381; under James I., 382; in the eighteenth century, 386; its influence on society, 388; on agreement and co-operation in, 390; standard of truth in, 531; right of private judgment in matters of, 537; claim of submission of conscience in, 540; on instruction in, 541, 545; reserve in religious teaching enforced by Anglo-Catholics, 544.
- Rent, Mr. Ricardo's theory of, 31; Mr. McCulloch's opinion on, 32; Adam Smith's theory of, 33; Prof. Jones' explanation of, 36; not solely dependent on the fertility of the soil, 61, 63; value of land in Belgium, 67; opinions of Col. Torrens and Col. Jones on, 70; agricultural rents, 71; of land increases with the smallness of holdings, 622.
- Repeal of the union of Great Britain and Ireland impracticable, 619; petition of Dublin corporation for, 654; effects which a repeal would have on Ireland, 656.
- Restoration, state of religion at the, 382.
- 'Revue des Deux Mondes,' critical writers in the, 331—333, 338.
- 'Revue de Paris,' writers in the, 331—333, 337.
- Reybaud (Louis), his writings, 337.
- Ricardo (Mr.), his theory of money rents, 31; answer to his doctrines by Prof. Jones, 39; on outlay of capital in agriculture, 41.
- Rice, consumed in England, Germany, and France, 437; quantities produced in various countries, *ib.*
- Richard II., his visit to Ireland, 645.
- Richelieu, his designs respecting Flanders, 479.
- Rocky mountains (the), 563, 570, 584.
- Rolle (M.), his writings in the 'National,' 336.
- Roman history, by Michelet, 112.
- Romanism, founded on a principle of authority, 11; its claim to infallibility, 13.
- Romanticists, French school of, 348, 355.
- Rome, theory of the church of, 377.
- Romilly (Sir S.), his proposition respecting the bankrupt laws, 123.
- Rotterdam, imports of coffee into, 442.
- Runjeet Sing, his attack on Sind, 222; interference of the British government, 224.
- Russia, promises to assist the Serbians against the Porte, 302; her treachery to Serbia, 303; convention of Ackermann, 307; her offers to Milosh, prince of Serbia, 309; her moral influence over Serbia, 312; subservience of Prince Michel to, 313; intrigues of, *ib.*; her remonstrances with the Porte on the dethronement of Michel, 316; threatens the Porte, 317; compels submission from the Sultan, 318; her intrigues at the court of Vienna, 321; Lord Aberdeen's despatch relative to Serbia to, 323; the Emperor demands the exile of Petronievitj and Vuchitj, 324; statistical returns to the government of, 423; produce of rice in, 438; beet-root manufactories in, 440; consumption of tea in, 446; her discoveries on the coasts of North America, 569.
- Rutherford (Mr.), his objections to the powers given to the Scotch presbyteries in electing pastors, 187; on the rights of patrons in the Scotch kirk, 188; his answer to Lord Aberdeen's act, 194—197.
- Ruvigny (the marquis de), ambassador at the English court, 497; his negotiations with Charles II., 498, 503.
- S.
- Sante Beuve, his writings, 331.

- Salic law, claims of Louis XIV. to Spain founded on the, 478, 485.
- Sardinia, exports from France to, 459.
- Sarpi, on the system of elections in the primitive church, 179.
- Saxony, consumption of meat in, 428; linen trade of, 454.
- Scotland, law of bankruptcy in, 159; the Kirk of, 175; introduction of the Reformation into, 177; election of church ministers in, 180, 183; secession from the kirk of, 185.
- Scripture and tradition, 15; on the authority of, 538, 541; Mr. Newman's views on the miracles of Scripture and church history, 553—556.
- Serbia, her unaided resistance to Russia, 294; present position and population of, 295; title of Emperor of Serbia, 296; conquered by the Turks in 1389, 297; the stronghold of Slaavian nationality, 298; Spahis and Janissaries in, 299; insurrection under Cerny George, 301; war with the Turks, 302; treachery of Russia to, 303; Turkish invasion of (1813), 305; Negotin taken, *ib.*; insurrection under Milosh Obrenovitch, 306; Milosh elected prince of, 307; constitution granted to, 309; prince Michel succeeds on Milosh's abdication, 311; moral influence of Russia over, 312; subserviency of Michel to Russia, 313; insurrection under Petronievitch and Vuchitch, 314; election of prince Alexander, *ib.*; negotiations between Russia and the Porte relative to, 316; the Sultan yields to Russian interference, 318; Lord Aberdeen's defence of the Serbian policy, 319; conduct of Austria towards, 321; Lord Aberdeen's despatch to St. Petersburg, 323; Alexander deposed, and re-elected by the Serbians, 323; attachment of the Serbians to Petronievitch and Vuchitch, 325.
- Serfage, abolished in Prussia, 600.
- Sewell (Mr. Isaac), his evidence on the bankrupt laws, 140.
- Shah Shoojah, his treaty with the British Government and Runjeet Sing, 225; supported by the British, 230; tribute of the Ameers to, 239, 242, 255.
- Shikarpore, negotiations with the Ameers respecting, 244, 248.
- Siegen, native steel of, 466.
- Silk, English exports and imports of, 460; German trade in, 461; exports from Lombardy of, 462; variation in English prices in, (1830-1843), 463; English and French manufactures compared, 463; Belgian trade in, 464; practicability of its production in Ireland, 614.
- Sinde, on the British occupation of, 199; early history of, 200; Alexander's conquests in, 201; Hindoo dynasty in, 203; conquered by the Arabs, 204; division of Upper and Lower Sinde, 205; under Persian rule, 209; tributary to Affghan, 210, 212; ancient manufactures of, 219; Runjeet Sing's attack on, 222; Col. Pottinger appointed minister at the court of, 225; affairs in Upper Sinde, 236; treaty with the Ameers of, 238; state of affairs in 1841, 244; Major Outram's report, *ib.*; intrigues of the Ameers, 246; Lord Ellenborough's policy respecting, 248; treasonable conduct of the Ameers, 249; state of affairs at Khyrpore, 250; conference at Hyderabad, 251; advantages of its possession to the British, 260.
- Slaavs, their settlement in Europe, 295; division of the Slaavian race, 296; Slaavian nationality preserved in Serbia, 298; southern branch of the Slaavian people, 319; projected union of all the southern Slaavian population into a kingdom, 320.
- Smith (Dr. Adam), on the theory of rent and production, 33.
- Sobdar Khan, his conduct, 243, 247; made prisoner with the other Ameers, 258; his constant friendship for the British, 259.
- Society, Mr. Carlyle on the state of, 263; social doctrines of the present day, 268; social evils, 281; on the religious sanction as affecting, 388; on the ultimate aim of, *ib.*; demoralizing effects of misery in, 622.



- Soils, on the fertility of, 59, 62.  
 Solingen, the cutlery of, 465.  
 Spahis, tithe-owners of Serbia, 298.  
 Spain, M. Mignet's work relative to the succession of Spain under Louis XIV., 470; decline of the Spanish monarchy, 473; embassy of the archbishop of Embrun from Louis XIV. to, 477; death of Philip IV., 481; clauses of Philip's will respecting the succession, 482; left without an ally in Europe, 483; applies to Austria for aid against France, 486; partition of her dominions between France and Austria, (1668), 493; applies to Holland for aid against the French in Flanders, 497; peace with Portugal, 500; M. de Beverning, Dutch minister in, 519; alliance with Holland, *ib.*; treaty with Holland and Austria, 523; her claim to have discovered the north-west coast of America, 566; her treaty with Great Britain, (1790), 567; her negotiations with the U. States relative to the Oregon territory, 570.  
 Spinosa, on the social law of right, 389.  
 Spirits, consumed in the United Kingdom, 432; importation of, 433; present supply and estimated consumption of in various countries, 468, 469.  
 State, relation of the church to the, 378; on the moral theory of a, 388.  
 State-paper office, restrictions imposed in the, 502.  
 Statistics, recent publication of, 421; on reasonings deduced from, 422; their national value, 423.  
 Steel, found native in Germany, 466.  
 Stein (the minister Von), his legislation respecting landed tenures of the German peasantry, 604.  
 Strongbow, his sway in Ireland, 641.  
 Sugar, consumption of in Great Britain, 438; total imports into Europe, 439; deficient supply of, 440, 445; quantities of beet-root sugar produced, *ib.*; imports into Germany, Holland and Belgium, 441; present and probable consumption of, 468, 469.  
 Sweden, her assent to the Triple Alliance, 499, 503; bribed by France, to desert Holland, 510.  
 Sweet (Mr.), his evidence on the bankrupt laws, 143.  
 Symons' (Rev. B. P.), his sermon on 'The Claims of the Church of England,' 528; on submission of conscience, 540.
- T.
- Tallow, quantity imported into Great Britain, 429.  
 Talpoors (the), rulers of Sinde, 207, 212.  
 Taxation, transition on the continent from direct to indirect, 610.  
 Tea, consumption of in England, 444; duties on, 445; consumption of in various countries, 446, 449.  
 Temple (Sir William), his negotiations at the Hague, 499—514; his recall from Holland, 518.  
 Thierry (M.), his view of history, 75; his merits as an historian, 113; his 'Récits des Temps Mérovingiens,' 115.  
 Thiers (M.), his merits as an historian, 117.  
 Thünen (M. Von), his work on farming and national economy, 30, 41; on farming in Mecklenburgh, 46, 48; on rotation of crops, 50; on economical points of farming, 56; on the fertility of soils, 59; on dairy produce, 62; on the origin of rent, 63.  
 Tobacco, cultivation of in Germany, 447; exports from Hungary of, 448; French imports of, *ib.*; present supply, and probable demand for, 468, 469.  
 Toleration act (the), 383, 385.  
 Torrens (Col.), his essay on the corn-trade, 70.  
 'Tracts for the Times,' Dr. Croly's 'Index' to the, 5.  
 Trade, advantages to agriculture from, 61, 65, 71; considered as productive industry, 592; benefits it would yield to Ireland, 606.  
 Tradition, rule of faith of, 15; ecclesiastical, 27.  
 Tragedy, on French, 357; the classic model necessary to, 370.

Treiste, imports of coffee into, 443.  
 Triple Alliance (the), between England, Holland and Sweden, 499; remarks on, 514.  
 'Triumphs of Oriana,' publication of the, 410.  
 Truth, the claims of disregarded, 528; false views of the character of, 530; on the standard of, 531; right of private judgement in pursuing, 537; principle of submission to authority opposed to, 550.  
 Turenne, his campaign in Flanders, 488.  
 Turkey, conquests of Serbia by, 297; her relations with the Serbians, 299; first hostility of the Serbians to, 302; Russian war with, 303; treaty of Bucharest, *ib.*; her invasion of Serbia, (1813), 305; insurrection under Milosh Obrenovitch, 306; sovereignty of Milosh recognized by, 308; appoints Petronievitch and Vuchitchj counsellors to Michel, 311; confirms the election of Alexander, 314; letters between Russia and the Porte on the dethronement of Michel, 316; the Sultan yields to Russian interference, 318; signs of Slaavian nationality in, 320; the Divan depose Alexander, 323; indignities of Russia to, 324.  
 Turner (Sharon), his History of England, 374.

## U.

United Provinces,—see HOLLAND.  
 United States (the), law of bankruptcy in, 160; quantity of rice grown in, 437; French exports of cloths and stuffs to, 459; their claim to the Oregon territory, 560, 569; value of the Oregon country to, 563; Mr. Greenhow's Memoir on the Oregon territory, 565; convention with G. Britain and negotiation with Spain respecting the Oregon country, 570; their treaty with Mexico, 571; arguments of their claims to Oregon, 574; hostile to European settlements in America, 582; proposals of England to, 583; acts of Congress respecting the

Oregon territory, 585; the President's message of 1843, 662.

## V.

Veliko, the Serbian hero, 305.  
 Versification, rules of, 344.  
 'Via Media' doctrine in the Church, 539; fallacies of the, 542.  
 Vico (Giambatista), invents the science of history, 78; his 'Scienza Nuova,' 79; Michelet's translation of the work, 108.  
 Victor Hugo, his dramatic pieces, 356, 358, 360.  
 Vienna, the court of, under Leopold I., 486.  
 Villanelle, 405.  
 Vineyards, in Germany and France, 434; in Austria, 435.  
 Vocal Concerts (the), establishment of, 418.  
 Voltaire, the writings of, 364; extract from his 'Siècle de Louis XIV.,' 490.  
 Vuchitchj (M.), appointed counsellor to Prince Michel in Serbia, 311; his exile, 312; heads the insurrection against Michel, 314; his banishment demanded by Russia, 324; attachment of the Serbians to, 325.

## W.

Warburton (Bishop), his theory of church and state, 390, 392.  
 Ward, his collection of madrigals, 409.  
 Waste lands, in Ireland, extent of, 631; on the reclamation of, 632.  
 Watson (Thomas), his collection of Italian madrigals, 403.  
 Wealth, influence of morality in promoting, 421.  
 Weekes (Thomas), his sets of madrigals, 406.  
 West (Dr.), on 'Reserve in the Teaching of Religion,' 528; on the system of 'pious frauds,' 548.  
 West Indies, produce of rice in, 437; produce of sugar in, 438.  
 Whately (Archbishop), his work 'The Kingdom of Christ,' 528, 529, 533, 547, 551; on the opinions of the



- Reformers as to church authority, 533; on reserve in religious teaching, 547; on the Anglo-Catholics compared with German Neologists, 551.
- Wheat, on the growth and transport of, in Mecklenburgh, 44.
- Wheaton (Mr.), on international compacts, 578.
- Wicklow, uncultivated land in, 631.
- Wilbye (John), his sets of madrigals, 406.
- Wise, extent of vineyards in Germany, 434; quantity consumed in Great Britain, 435; vineyards of Austria, *ib.*; imports and exports in Belgium of, 436; present supply and estimated consumption of, 468, 469.
- Witt (John de), his conduct respecting the French policy toward Holland, 480; his attempts to restrain the pretensions of Louis XIV. to Flanders, 496; his mediation between Spain and France, 497; negotiates with Sir W. Temple the Triple Alliance, 499; his overtures to Louis XIV., 503; his error in concluding the Triple Alliance, 514; his death and character, 522.
- Women, on the 'emancipation' of, 97.
- Wool, produce of in Great Britain and Prussia, 458; Austrian and French trade in, 459.
- Wortel, pauper colony at, 591.
- Wurtemberg, consumption of meat in, 428.

## Y.

- Yarn (linen), German trade in, 453; trade of Belgium and France, 454.
- Yonge (Nicholas), his collections of Italian madrigals, 403.
- York (Duke of, 1669), his conversion to catholicism, 505.
- Yue-chi, or Jutta, invasion of India by the, 201.

END OF THE SIXTEENTH VOLUME.

11

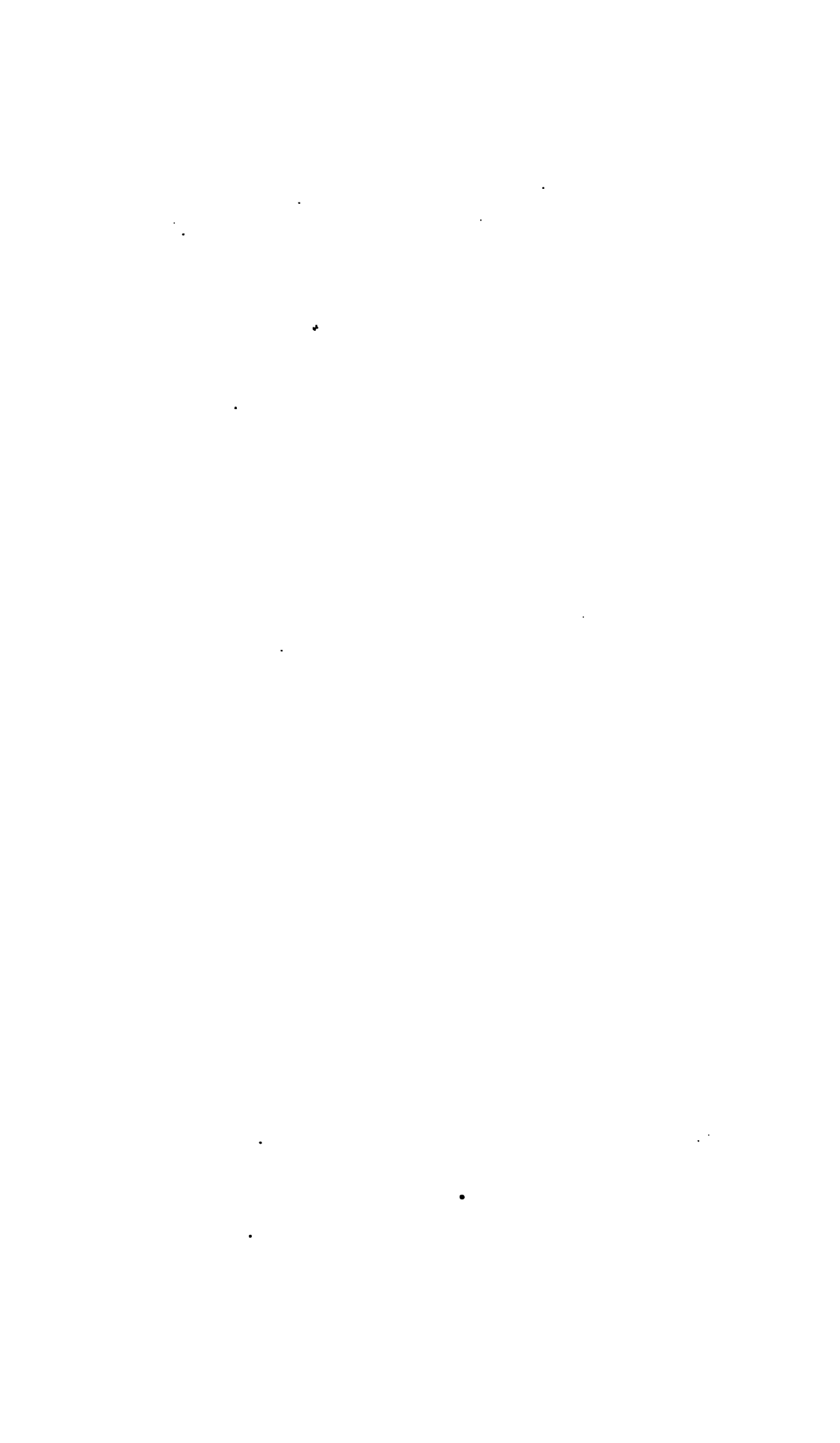


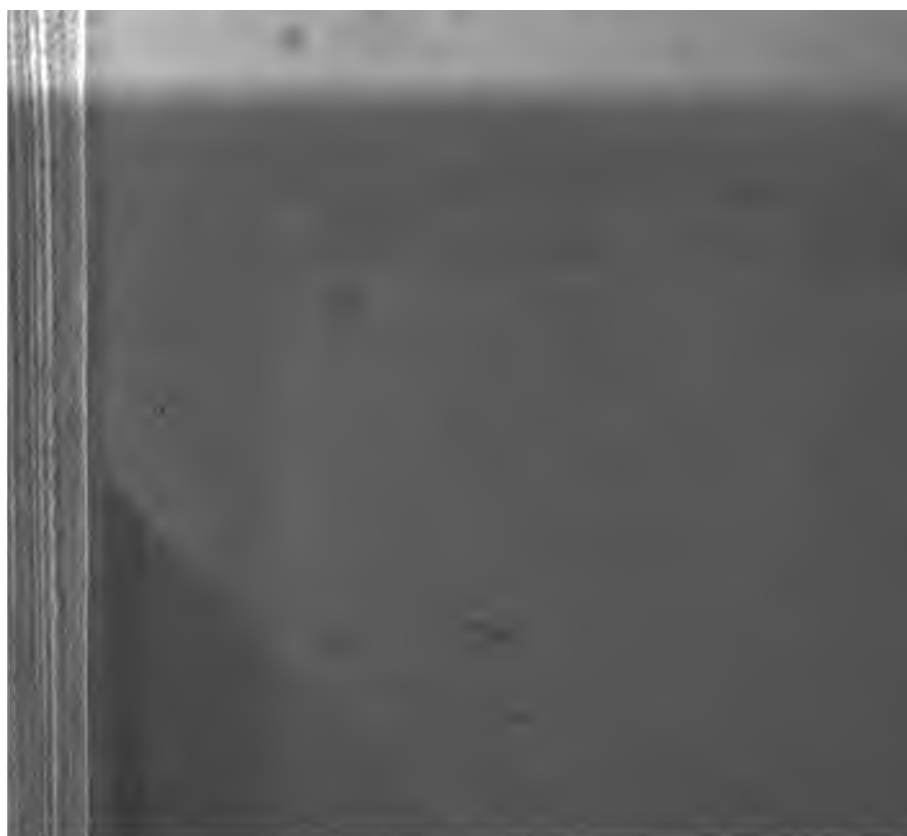


41  
42

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